



IT IS THE LAW





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IT IS THE LAW.

A STORY OF

MARRIAGE AND DIVORCE

IN NEW YORK

BY

THOMAS EDGAR WILLSON.



NEW YORK & CHICAGO :
BELFORD, CLARKE & COMPANY.

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1887

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Marice S. Chamberlain

IT IS THE LAW.

CHAPTER I.

The virtuous woman is a crown to her husband,

Prov. xii. 4.

4-25-63
“MY darling, I love you ; passionately, devotedly. Fly with me, and we will find a home which we will make a paradise on earth. My love, my life, with you beside me, your love to strengthen me, I can carve out a fortune to lay at your feet. You love me even as I love you. Why should you hesitate, Mabelle?”

She looked into the frank and handsome face, pleading so earnestly, and smiled a little sadly and very sweetly, as she answered slowly and with quaint pauses between each sentence, in a manner all her own.

“No, Dick ; it is quite useless to urge anything of that kind ; but I am willing to listen to anything you have to say. The speaker is one and the listener is another ; and what you have to say is a part of the story we are making, is it not ? Haven’t you stronger reasons to urge. Something to really tempt me, Dick ?”

“Do you need more, Mabelle, than our love ? Can you not desire, even as I do, that we shall be all in all to one another—forgetting the world and by the world forgot. Do you not wish, as I do, that the world held only us two, and no more ?”

She shook her head dreamily, her eyes closed.

"You would not kill the cook, would you, Dick? Say three, dear, or four, for we must have milk and sugar, and I will say yes." There was not a suspicion of chaff in the sweet far-away voice.

"Sweetheart, are you kind to me? What is there lacking in me or my love? Tell me frankly. I never had any experience before this, and I am not fluent of speech; but credit me with the full and honest love of an honest man, even if I cannot express myself eloquently. Did you expect more? Do you want more? Is not love enough, or do you want words also?"

"I really do not know. It is not a bit like the story-books, Dick. There the lover rehearses for weeks—it don't say so, but he must—and he sweeps the poor wife off her feet with his burning words and passionate pleadings, and she loses her head, and consents for a few minutes to do what she spends the remainder of her life in regretting. You haven't rehearsed a bit, if even you ever thought of it before; you haven't really meant a word you said, though you may have done as well as any one in real life; and you haven't tempted me in the least to be wicked, Dick, when I really wanted to be tempted. Not that I would yield, dear,—for I couldn't be swept off my feet; and perhaps the fault is really mine—but I wanted to be tempted as much as you could tempt me, because it's so horrible to be good just because you must. I want to feel when I am good that it is because I choose goodness. If I have no choice in the matter, and must be good or must be wicked, I would much prefer that the must should be wicked. Don't you feel that way sometimes, Dick?"

Her hand had been laid on his as she began, and it remained.

She was sitting on the stone fence of the little lane that leads from the main road in front of Charlie Warren's to the branch road that passes by Brookside, which her friend Mrs. Carter hired every year at Coldspring. Mrs. Smith had come on a brief visit to escape the racket of the Fourth in the city, and Mrs. Carter's nephew and she were returning from a walk over to the farm-house.

The nearly half-full moon shone directly through the trees upon the two figures; but on that lonely road there are no chance passers after dusk, and it was now nearly nine o'clock.

Where there are none to molest or make afraid, the lover is ever bold. His arm passed around her waist.

"You love me, Mabelle."

She loosed her imprisoned hands and put them on his cheeks, turning his face so that she could look into it. Then she answered his question with another.

"Why does it give me pleasure to have you ask the question? and why does it give you pleasure to have me say so?"

For reply, he bent and kissed her cheek (accurately speaking, her ear, for she turned her head), and she gently put him away; but there was no anger in her voice, only earnestness, as she said:

"Do not spoil my happiness, dear, by improprieties. If you do, I will have to go home immediately. And I want to stay here with you."

He kissed her hands, to which there was no objection, and looked down at the slender but graceful figure just budding into womanhood. She was not more than eighteen at the most, and her face, clear-cut and spirit-

ual, had a sad and dreamy loveliness that seemed to belong to some other life. It was the face of one who had suffered and struggled and conquered and grown lovely from the combat. In place of the boldness and self-reliance so usual with self-restraint and self-government, there was trust and doubt and a wistful tenderness. No one would look into that sympathetic, refined face for jest or gibe or scoff. Frankness and truth and earnestness were unmistakably impressed upon it, and behind these were slumbering powers of will and strength of mind that she knew nothing of.

"And I wish to stay with you always, Mabelle. This pleasure that you have learned to feel can grow, even as it has grown, and a thousand times more. Why should we feel it and enjoy it for a few brief minutes when we can have it our whole lives long?"

"Love dies with the kiss, my Richard."

"Not ours."

"Yes, ours, and all love,—love for man or love for country, for humanity or for ourselves. All is but

Waste marigold and late unhappy leaves,
And grass that fades ere any of it be mown.

The garden god's bonds are the very lightest, mere flax and tow, burned off by the very flame that passes from heart to heart. Deny it not, Dick. You know it to be true. Face the truth and fear not. Truth is a sweet mistress, but only the very brave may serve her."

The moonlight, her face, her mood, blended perfectly. It was Proserpine sitting in her garden, crowned with calm leaves, talking to a mortal who had strayed into Hades.

He sat on a base stone and leaned his head against

her side. Her arm fell around his neck, and her hand stroked his face.

"Mabelle, I want you for my own. I want you for a wife. As I cannot have you legally, I want you without the form. It will make no difference to me what technicalities there may be. I will be your true and faithful husband while life lasts."

"But it will make a great difference to me, Dick. I am an honest woman. I never violated a law or commandment, and so long as I live I never will. I shall never do anything that will bring the faintest tinge of shame to my cheek, or give any one reason for a sneer. I made that resolution years ago; it will be unbroken when I die."

"But, my darling, we cannot continue this way all our lives long?"

"Why not, if we will?"

And why not? The question confused him.

"Suppose we elope," she continued. "My husband is also my uncle and guardian. For nearly three years, until I am twenty-one, I will not be able to get a cent from him. You have very little more than your salary, enough to pay our passage to, and a few weeks board where we are unknown; but you have splendid prospects and a bright career. Among strangers, penniless, we would have to earn our bread as best we could. Your life would be destroyed while you remained with me. My sin would find me out, and I would be a thing of scorn. For what, Richard? for what? Think a moment. I am an old married woman. I have been six years a wife. You are unmarried, but—I hope that you are not without some experience in the master passion of humanity—I will talk frankly with you. You know that

in a week, or a month at the most, when the glamor had passed away, you would regret the price you had paid for past and never-to-be-recalled pleasure. If you do not know it, I do. I am now satisfied and content with what I have. I would have to accept disgrace to get what I do not want. It is folly to wreck our lives for what you would value for a week or two only, and I not at all. You ask me, you urge me to elope, because you think you are in honor bound to do it, because it is recognized among men as the proper course to pursue under the circumstances, and because you think I expect you to. Really it is your duty to do so. You should give me the privilege of flying if I wish disgrace. But you feel secret relief when I decline the proposition and you know that I certainly mean it. You appreciate the fact that my acceptance would put you to the greatest embarrassment. When you offer the price, you know you are paying far more than it is worth. Do not deny it, Dick. Truth is a sweet mistress. You know that what I say are her words, not mine."

"But, my darling, I love you, passionately, devotedly. If I did not, what you say might be true. I cannot count the cost and weigh every chance, in cold blood, because I have no cold blood. No one could look into your eyes and have a single drop unwarmed. No one could for half a minute hold you closely and not lose his reason. My whole being cries out for you. I love and long and yearn. It is the madness of fever. That is the Truth that I must face—and you also. That is love. You know it. To hold you in my arms, to feel your lips clinging to mine, your heart throbbing, beat for beat, in unison with mine, to know if even for one moment that you are not another, but myself, my soul,

I would at this instant give my life. It may be un-wisdom, but it is love. It may be that in after years, if my life were spared now to be taken then, it might be dearer than it is now, and I would rue. It may be that a week or a month afterward I might regret the price paid for pleasures past and gone. But that is the weakness of manhood and of love. It is true of all things as well as love. To die like those whom Carrier slew is all there is in life worth living. Now, to do that, I too would at this moment give my soul."

There was a ring in his voice that thrilled her. Her eyes shone brighter. For the first time this, the first love of her life, seemed sweet—though her own pulse beat calmly and quietly, and no vibration of her own responded to his wild chords—except in the faintest of overtones.

"Suppose, Dick, that you could have me for your wife—your legal, honest wife—for three months, but at the end of that time our marriage was to cease; that I died; would you be any happier than if we were never married?"

"Yes, unquestionably."

"Why? I do not see how you or I could possibly be any happier than we are now. I know you love me. And I know what love is. You love me, and do not know what love is, because you have never cared to think about such things. I have thought about it for years. It is the one subject of all true women's thoughts. This, if you did but know it, my lover, is the happiest moment of all our *shanti*, our rest in love, when we know that each is true and each can trust."

"And what is love, Mabelle?"

"Pursuit, Dick; action for the mere pleasure of the

action, whether you stalk a deer or stalk a woman—not ‘the motion of the soul that tendeth to the end,’ as we were taught in school. It was a bishop who said so, but he was only partly right—seeing dimly and understanding vaguely. There is no love without unceasing action, without constant pursuit. Nellie wondered the other day why Charles Reade called one of his heroes ‘the pursuer.’ It is because the lover is a pursuer while he remains a lover, and ceases to be the one when he ceases to be the other. You wish to end the pursuit by marriage. That would end your love for me, Dick, as the death and quartering of the deer would end your love for that particular hunt. You would soon be ready to hunt another deer—and another woman.”

“Your logic is at fault, Mabelle. Shall lovers never marry then, that love may abound? Shall women keep their lovers always at arm’s length that they may ever be pursued and never caught, in order to keep their love? Is this your philosophy?”

“I don’t like St. Paul, but I answer your paraphrase with his own, ‘God forbid!’ Love has naught to do with marriage. It is a brief flame, that soon burns out. If nurtured wisely, it may last longer than if it be allowed to waste. Cupid is to marriage what John the Baptist is to our religion—the Forerunner; he who makes its paths straight. Marriage should be a matter of affection solely. The flame of love burns out; but the bond of affection remains—sometimes. The woman or man who looks for love after marriage has stopped the pursuit, after Cupid has quenched the flame of his torch and gone, is disappointed. Whose fault is it? Let them look for affection, and recognize what thinkers in all ages and among all people have proven

to be the Truth, that there can be no love in marriage. They pursue, and prefer to pursue, the *ignis fatuus* in the bogs of error, when the broad straight road of truth and experience before them is lighted by electricity. When man and woman tire of love; when affection, which is lifelong and the foundation of all our enduring personal relations, has been made, by the flame of love which has brought two strange hearts together, a solid and enduring tie between them, let them kiss Cupid good-bye, speed the parting guest, and marry. But let them never expect to see the garden god again. His mission has been fulfilled. He has brought the strangers together. Association has produced affection. Affection has resulted in marriage. He will never return.

“ But our love will not grow cold, my darling.”

“ You will never die, Richard? Nor I? We will never lie in our coffins and be consigned to the earth? That our love is brief, that it will burn out in a year or two, is as certain as that you and I will die in a century. If, while it binds us, an enduring affection grows up between us, to remain when it has gone, it will be well with us. But we can hope for nothing else. No life has lasted a century; no love a year. Men and women sometimes lag superfluous beyond five score, and love may drag itself along beyond a honeymoon, but the one is not life or living, nor the other love or loving. Death in life and death in love may not count. When the strong soul is stricken through fleshly pulses, it is a fever which must run its course quickly.”

He was silent and she continued, her quaint pauses giving her words the effect of one speaking in a dream or by another influence.

"Face truth, Dick. This is the reason why we must not 'fly.' We love. But our love will burn out. It is no foundation for a life relationship. Let us clasp hands while the flame lasts, and bid one another farewell as lovers, before the ashes are cold."

"You do not love me, Mabelle, as I love you, or you could not talk so logically and rationally."

His words are light and kind, but there is the faintest tinge of bitterness and—truth.

"You are not a coward, Dick. What you say is perfectly true. Women never love, or rarely love. Only those who unsex themselves, like Catherine of Russia, pursue men as men pursue women—and there is no love without pursuit. Speaking with strict accuracy and generally, only men love, or can love. Women do not love; they are loved."

"Yet you said a little while ago that you loved me."

"That was speaking after the manner of men, that you might understand me, not misunderstand me. When a woman says she loves a man, she does not mean what he means. She rejoices in the love; she glories in the love. She may in a totally different way be said to pursue him, but her pursuit will be mental and his physical. There is no action and therefore no love in her pursuit. She may be willing to make any sacrifice to get his love. She may treasure it above rubies. It may be all the world to her. She may prefer death to losing it. But she has no love for him. Her appreciation of his love is not love, any more than my feelings for this little piece of ribbon which I prize, because you once had it and gave it to me, are themselves a physical ribbon. I say I love it, but that is an accepted figure of speech and paraphrase. Love is the mental impres-

sion of rational action whose end is in itself. The mental impression of an emotion or sensation,—which is what the woman is conscious of—is not love. We call it love for want of a better name, and men are vexed because it does not produce the same phenomena as their own.”

“What would you call it?”

“I don’t know. I never thought enough about it. I am no dialectician. But it is as sweet to be loved as it is to love. Don’t misunderstand that, Dick. If the woman is passive, the man active, it is fate which assigns their parts; and the one is as happy as the other in playing the little drama.”

“And is this why women are so cold, and men so warm?”

“In part. I am happy in your love, and in every changing phase of it. Even when you ask me to do evil, the hearing is pleasant and sweet, and my refusal pain. I would deny you nothing, if I could help it, for your sake. I am happy and content with what I have that is not forbidden. It is so much.”

“But, my darling, I cannot be content with what contents you.”

“If you could, you would not love me. You are a man, I a woman. The difference lies between loving and being loved.”

“Did you mean, by being my wife for three months, and then dying or parting, that our love would only last that time, or was it merely a chance remark?”

“I meant that and I meant more. I was thinking of something else. My thoughts are wandering everywhere to-night.”

“I will not deny your logic; I will face Truth. Will you?”

"I never feared to. Behind her frown she hides a smile. She is the only true Providence."

"You have been reading St. Chrysostom. 'Where I found the Truth there I found my God.' I can furnish you with better reading—by Bertha M. Clay. Now listen to me. Your hand clings to mine. What does it mean?"

"Love," she replied. "That you love and I am loved."

"And love means clinging lips also."

"Yes, and that is sin."

"Why the one more than the other?"

"Because the law makes it so. Not statute law in this case, but common law, the world's code. Without law, there is no sin."

"And only the law restrains you from giving me your lips as freely as your hand?"

"Only the law. What else could or should?"

"Now, by St Paul!" he cried passionately, "and am I never to hold you in my arms; never to feel your heart against mine; never to have you for my own for even an hour? Is my love to be stifled, choked, beaten down, because this ancient fetish called Law says we must not. Will you not release yourself for a day, for an hour, from this bondage of law, and stand erect and free?"

"Never while life lasts."

There was not the slightest doubt possible that the low, even, almost careless words were merely the statement of a fact which nothing could overthrow.

"Dick, dear, don't you know that women are born slaves. We are never born free. We have no desire for freedom. Why do we wear rings and bracelets? Did you ever see a woman who did not wear them? and yet what are they the symbols of but slavery? If we cannot get the substance we get the shadow, and if we

cannot find a master we make one. All good women now recognize the Law as theirs. It is high fashion." She laughed lightly.

Dick pulled up a bush and whipped the stone wall savagely.

"Sit down here, Dick, and talk to me. Answer me some questions. Why do you wish me to break the law?"

"Why? There is no reason. Yes, there is, but I never thought of it. It is to silence fear. I hope you love me. But I cannot hope you do without fearing you do not. It is to justify hope, to cast out fear, to make knowledge. If you were my wife for an hour I would know you loved me. You would not be unless you did. It is the last and final test of love. According to your own theory, it is the death-bed promise and pledge. If I lost you after that time, there would be no gall of doubt mingled with the bitterness of loss. To lose you, without that torturing doubt removed, would be to have it last forever; to have its taste in every memory."

"And how would you know any better then than now? Is the death-bed confession more to be trusted than that given in full health?"

"Because Love is the blending of two souls, and Marriage is the rude physical manifestation of the inward and spiritual union—the only test we have. Here is my right hand and here my left. If the one clasps the other, is there any mental shock? Touch this rock with one. Now with the other. The impression is the same in each case. There are not two thoughts, but only one thought. The harmony shows they are branches of one soul. There is but one mental impression for either. It is so in all things. Now carry out the simile. I took your

hand a month ago and you withdrew it. Why? Because it produced two different mental impressions, showing our two souls were not one, and yours flamed up in alarm when mine was unconscious. Now your hand seeks mine unconsciously. Why? Because our souls are uniting—not wholly united yet, because yours takes alarm at anything else. This is why the lover craves favor after favor, to satisfy himself of that inward and spiritual union; and he is not satisfied until every possible test has been applied, and until the other soul never notices what his own would not by and of itself. This is why Love seeks Marriage, without regard to what marriage has been made, and without regard to what it should be, because marriage is the final test of all. It is this moral doubt, this inability to prove the mind of the loved one in any other way, that makes the lover seek physical manifestations to prove the spiritual blending. I cannot make myself clear, perhaps, because the thought is new to me, but you can catch the idea."

"And would it satisfy you to have me for your lawful wife for three months?"

"Do not hold such happiness before my eyes to take it away."

"You have never asked me to be your lawful wife, Richard." There was no reproach in the voice. It was an observation made more to herself than to him.

"But you are married!" He had taken it as a reproach, and it had cut deeply. He was confused and bewildered.

She smiled a little sadly

A light came over his face. "My darling, my darling," he broke out passionately, and with a fire and earnestness that were straight from his heart, "forgive

me! forgive me! Will you be my honest, lawful, and true wife? Will you break the bonds that now bind you, and give me hope to call you mine when I may, before the world?"

She drew his head against her breast and kissed his forehead.

"It would be perfectly possible for me to be your lawful and true wife for one month, or three months, if I wished, or while our love lasted—while you still had pleasure in pursuing me. But if I should consent it would be upon two conditions."

"I accept any conditions; what are they?"

"The first, that you would not promulgate our marriage to the world, to cause talk and arouse curiosity, and only announce it to those who have a right to know it, in order to stop scandal."

"Certainly. Your wishes shall be my law."

"The second, that you will not ask me to break my present marriage bonds with my husband."

"I do not understand you," he exclaimed, in astonishment and confusion. "How else can you be my lawful wife?"

"I can be your lawful wife in any State in the Union within forty-eight hours, without ceasing to be my uncle's wife, without giving him the slightest cause to object to anything I may do, without giving any proper excuse or pretext for scandal."

"You can?"

"Yes; do you regret your hasty words?"

He kissed her fingers.

"Now tell me how this miracle may be wrought."

"Before I do, I want to call your attention to one fact. If you should marry me, I should be your wife

for only a short time. More than that, I shall have another husband of whom you must not be jealous. When we part, I shall still have him ; but you will have no other wife. You will be a married man, and incapable of marrying again without the expense of a divorce. Think over it."

"I accept the conditions gladly. Tell me how this wonder may come."

"As a matter of precaution, and thinking it might some day be useful, when I was in Chicago two years ago, I obtained a divorce from William, which is perfectly valid in the State of Illinois, but not valid in this State. I am legally and morally free to marry in the State of Illinois, and such a marriage would be both lawful and morally binding in every State in the Union. No court in this state would have a right to question * its validity ; no individual a right to question its propriety. This divorce does not affect in any way my marriage to William, except in Illinois. † It gives me a

* "Where a marriage is valid by the laws of another state, its validity cannot be questioned in this state. Thus, even if persons who cannot legally marry in this state go to another state, the laws of which permit them to marry, and marry there, such marriage is valid in this state." Court of Appeals, June, 1883, *Moore vs. Hageman*, 92 N. Y., p. 526.

If either party has contracted a previous marriage valid in this state, both marriages are valid, and the party has two lawful wives (or husbands).

† "A court of another state has no jurisdiction to dissolve the marriage of a citizen of this state, domiciled here, who is not served with process in the foreign state and who does not appear in the action." Court of Appeals, 1880, *Peo. v. Baker*, 76 N. Y. 78.

Same decision, Supreme Court, 1882, *Peo. v. Chase*, 27 Hun., 256.

A marriage contract made in this state remains in full force and effect during the lifetime of the parties, no matter how many divorces

legal and a moral right, in every state in the Union except two, to two or more lawful husbands, provided I marry them in the way prescribed by law."

"Does Smith know of it?"

"Certainly not, and I do not wish him to know it at present. I came very near having to reveal it to him last spring, when we visited his aunt's in Chicago. Of course I would not let him kiss me while in the State of Illinois, and I had to manœuvre to keep from being left alone with him during our stay. If I had not succeeded I should have had to explain the matter to him. He was not my husband in the State of Illinois, although he was my husband in every other State of the Union except New Hampshire."*

"But did you not dissemble at all?"

"I am an honest, proper, and law-abiding woman, Dick. It would have been as wicked with him there as with you here to give any stranger occasion to think I was his wife, when I was not."

"And when may I marry you? When may I become your second lawful husband?" If he had been taking a nap in an ice-house he could not have had a worse chill.

"I am going to Chicago, Thursday, for a week or ten days." It is not an answer to his question, and he puts it in a different form.

"If I come on, will you marry me there?" He felt he had to say it. It was worse than asking her to "fly," for she was certain to say yes to this. But she did not.

may have been obtained in foreign states, provided that no court in any foreign state had at one time jurisdiction over both the parties and the subject-matter.

* New Hampshire accepts all regular divorces as valid.

"I have no right to answer such a question here, Dick," she replies with a little laugh. "You have no thought for the proprieties of life. Here, I am a married woman. There, I am *femme sole*, free to marry. You must wait for my reply until I am in Illinois."

Yet, for all that, he has no doubt of what the answer will be.

"Suppose your husband finds out you have married me, what will he say or do?"

"You assume too much, Richard; but, if I should, he may say or do nothing. It is none of his business. I am quite within my legal rights.* He has another legal wife. I had been four years married before I found it out. He may find out for himself that I have another legal husband—when I take one."

"You are the same as my affianced wife. We are to be married within ten days. Yet you have never kissed me or let me kiss you. Will you not give me your lips, Mabelle? Our love stands confessed, with lawful marriage to follow."

She puts him away with firmness.

"No, Richard, I have no right to. I do not know that Mrs. Grundy has ever given out a decision of the proper course to pursue or the etiquette to be observed, but I do know that with a careful construction

* Though a woman should in this manner marry half-a-dozen men secretly, and live with them in turn, no action for divorce would lie. Her relations with each one would be lawful. Each one of the men would be her lawful husband, and she would commit no offense at which a husband could take exception. A husband may lawfully set up a harem, or a wife may lawfully set up an andron. Either one would be entirely within the limits of the law, and in every respect guarded by its majesty and might, if the harem or andron were made in the manner prescribed.

of the code it should be forbidden under the circumstances. You must wait until we meet in Illinois."

"You cannot refuse me there?"

"There it would be right and proper, for I am a single woman in the State of Illinois," she replies, frankly and shyly; "but here I am a married woman, with a husband's honor to watch and guard. Should we be married in Illinois, you would be my husband there—the only husband I could have there—and I would guard your honor there as carefully as I guard William's here. We must go home; it is getting late."

"Are you sure of your ground?" he asks, as they walk along, hand in hand.

"Yes," she replies confidently, "I am sure of it. *It is the law.*"

CHAPTER II.

For why shouldst thou, my son, go astray with a strange woman,
And embrace the bosom of a stranger.—*Prov.* v. 20.

THE lawn at Brookside is too thickly studded with gigantic cedars to permit more than a stray glint of sunshine or moonshine to ever reach the soft carpeting of needles that covers it, or to fall across the hammocks, of which there are over a dozen inviting rest and dreams.

Mrs. Carter rises from one, as she hears the crunch upon the gravel of the returning footsteps, and walks forward to the low, wooden fence, where the light falls full upon her, making a very pretty picture as she stands waiting. She is seven-and-twenty, in the perfect fullness of womanhood, tall and fair, with a sweet matronly look upon the high-bred face that the moonlight softens into a beauty of the heart that is almost divine. She is dressed in white, even to the nubia that is resting lightly on her hair, and the moonbeams glint and dance around her as a waving bough intercepts them from moment to moment.

"Spare our lives, O ghost!" calls Dick cheerily.

"How late you are! The Warrens always go to bed with the birds, and you have either thrown their whole household out of gear, or you have been love-making. On second thought, I think—"

"Well?" Dick blushes like a schoolboy.

"That our milk will come at the regular time." Something in the voice, some faint discord, shows that it is out of tune.

"Where is Gypsy? The children?"

"The children were in bed before dark. Yesterday was too much for them. Gypsy went up to her room an hour ago, and I have been lying in the hammock ever since, mooning, while you have been—"

"Spooning," Dick good-naturedly says for her, as she hesitates to catch the exact word. "You couldn't use such slang, Mimi, even if you wanted to, could you?"

He passes his arm around her and draws her closely to him, kissing her. She looks up at his face with eyes filled with trouble, saying nothing.

"Are you tired, Mimi?" he asks, with a tenderness that is as natural as to breathe.

"No," she replies, a little wearily. "I feel as if I had been drinking many cups of strong tea, and could not sleep. How do you feel, Belle? Is it not too lovely here to think of pillows and dreams?"

"Indeed it is. I have been watching the light on the Crow's Nest and the silver glory on Bull Hill—and talking nonsense to Dick—until these shadows, with the little pencils of light, are positively delicious in their contrast. You can take one end of this hammock and I will take the other. Dick, you take the next, but don't swing this one."

Dick tucks in their dresses, arranges their pillows, and makes them comfortable. It is plain that he knows how—a rare knowledge—and is thoroughly drilled in such little attentions.

"What a delight it is up here, where at midnight the

grass and ground are as dry as at midday !” Mrs. Carter exclaims, after a silence.

“ I feel very dry,” Dick remarks.

“ The beer is in the angle of the porch in a tub of ice. Bring Belle a bottle of the Toledo and me a bottle of pilsener. The pilsener is corked, and the corkscrew is hanging over the tub.”

“ Beer is a nice drink for a healthy man ! ” His scorn is playful, not earnest.

“ There’s ginger ale and Apollinaris water and a siphon of Vichy I put in there for you.”

“ Thanks, Mimi. You are mother and aunt, and you ought to have been my grandmother too. You are all three rolled into one.”

Her anxious eyes follow him until he turns the corner.

“ You ought to be his wife too, Nellie; then his cup of happiness would be full.”

There was a little laugh at the end, but there was a meaning in the words which Mrs Carter either did not understand or ignored. Perhaps she thought it was a twinge of jealousy, for she answered quietly:

“ He is more my son than my nephew. I took him in my arms at my dead sister’s burial, twelve years ago, and soothed and quieted his grief. He sobbed himself to sleep in my arms, and as I sat and held him, all the mother love came to me, and from then till now he has been my first-born, my Judah.”

“ That’s no reason why you should not be his wife, my dear, if you wanted to. It seems the best of reasons why you should have married him when he grew up.”

“ Belle ! ”

“ Why should you be so shocked ? Why should he

not marry his mother's sister? Did I not marry my mother's brother? Was there any reason why I should not, except that I did not want to, and my wishes did not amount to anything?"

"I did not think of your marriage when I spoke; but was it lawful? I thought such a marriage was illegal."

A strange confusion filled her, and her voice was a trifle unsteady. What it meant she had no idea. She did not recognize the temptation that had suddenly come to her.

"Illegal? Certainly not. It is perfectly lawful and proper for an uncle to love and marry a niece, or for an aunt to love and marry a nephew. So far as love and marriage are concerned, they are as far apart as forty-second cousins through Adam.* See what a load Dick is bringing! Are you strictly temperance, Dick? Do you never look upon the wine when it is red or the beer when it is foam?"

"I don't believe in 'temperance' as it is called; but I never drink anything stronger than water or tea. I would not hesitate to take a tumbler-full of rum if I should get wet in a rainstorm, or a quart of whiskey if a snake should bite me; but as for drinking it for pleasure, I would much prefer peppermint or paregoric. I am extraordinarily fond of them, and I like port-wine and

* This is the law in New York; but the courts have taken it upon themselves, so far as possible, to discourage such marriages by dismissing suits for breach of promise brought by aunt against nephew or niece against uncle. As it stands now, the marriage is perfectly lawful, but damages cannot be obtained for breach of promise when one party jilts the other.

The marriage of first consins is forbidden in Arkansas, Dakota, Indiana, Kansas, Montana, Nevada, New Mexico, Ohio, Washington and Wyoming. In some others such a marriage is void.

rum ; but they are all medicines, to be used as medicines. Mrs. Parker drinks laudanum, and lots of women use valerian, chloral, and other dangerous drugs, mainly to promote sleep, just because a few lunatics have taken a prejudice against a harmless sedative made from hops—a medicine called beer. But I need no sedative. I can sleep the sleep of the just as soon as my head touches a pillow. I will take a little wine for my stomach's sake when it gets old, or if I get sick and it is feeble. The temperance lunatics are simply engaged in the work of making drunkards, by setting up ridiculous standards, lying about 'liquor'; and rendering nugatory the work of sensible men."

"I drink beer because I like it to drink."

"Mini caught me mixing up some paregoric not long ago. I wanted to drink it because I liked it to drink. Is that a reason why paregoric should not be sold, or why it should be denounced as a curse?" .

"Then there's no mock virtue in your abstinence?"

"Not the slightest. Merely common-sense. Have another drink?"

Mrs. Carter has been silent, paying no attention to the conversation. As Belle hands Dick her glass, she says :

"Would you tell us, dear, how you came to marry your uncle? Have you any objection?"

"None whatever. There is no story about it, except of the Jack-a-Nory kind." She paused a moment ; then continued : "I was twelve years and one month old when my mother died. Uncle Will came to see us the week before. My mother was not perfectly clear in her mind, and her insane point was that I was to be a rich woman, and that some devil would marry me. Uncle

Will, to soothe her, said he would marry me himself. She took this up, and insisted upon his doing it then and there. He did not hesitate about it, but I did. I vowed I wouldn't marry Uncle Will; but they sent for a clergyman, paying no attention to me.

"The clergyman asked me how old I was, and when I said 'twelve,' he told them that it was a crime for him to marry a girl under fourteen; that I was old enough to be married, but that all marriages between the ages of twelve and fourteen should be by 'publication and proclamation.' The marriage would be legal if he performed it, but he could be punished for officiating, and he declined to do it.*

"Then they sent for a lawyer. He drew up a marriage contract, which I refused to sign. He told me before he went away that I could have the marriage set aside when I should be fourteen, as my mother had signed for me. This I found out was a mistake. Lawyers usually make mistakes in such matters.

"Uncle Will was so good the week my mother died, that I forgot all about my opposition to the marriage,

* This curious anomaly comes from the fact that the legal age of a woman to marry (12) was fixed by the common law, and her legal age to give consent (14) was regulated by the statute law. All the provisions of the statute in relation to marriage apply naturally to one capable of giving consent, one over fourteen (sixteen since Feb. 21, 1887), leaving the two years (four years now) when she has no voice in the matter unprovided for so far as ceremony, forms, and registration are concerned. As these are not a part of marriages by proclamation, the latter method must be resorted to when the girl is under the age of consent, if the clergyman or magistrate will not risk the punishment. The age of civil consent, until Feb. 21, 1887, was fourteen. Until June 24, 1887, the age of criminal consent was by statute ten years, so that for four years a girl might consent to be a man's mistress, but could not consent to be his wife. The amendments of 1887 make the age uniformly sixteen.

and grew quite reconciled to it. In fact I forgot all about the paper that had been signed. I hadn't the faintest conception of what marriage meant. I was quite small for my age, and the day of the funeral I jumped from dresses to my knees to dresses to my heels. After the burial he took me on a wedding tour to Niagara and up the lakes, and when he brought me back to New York and put me in a boarding-school I think I hated him as a woman never hated a man before.

"When I was thirteen I spent my vacation with Anne Henderson—Mrs. Sturgis. I told Mrs. Henderson, and she told her husband. He is of the law firm of Abbott, Henderson & Hall. On my fourteenth birthday,* the firm made application to the court to have my marriage set aside on the ground that it was contracted against my will. The court refused to interfere on the ground, (1), that I was of lawful age for marriage (twelve years); (2), that not being of the age of lawful consent (fourteen), my consent or non-consent could not be given by myself, but was vested in my mother, who

* Section 1742. An action may be maintained by the woman to procure a judgment declaring a marriage contract void, and annulling the marriage under the following circumstances: 1. Where the plaintiff had not attained the age of fourteen years at the time of the marriage; 2. Where the marriage took place without the consent of her father, mother, guardian, or other person having legal charge of her person; 3. Where it was not followed by consummation, and was not ratified by any mutual assent of the parties, after the plaintiff attained the age of fourteen years. C. C. P., Chap. 25. (The word fourteen was changed to sixteen by the act of June 24, 1887.) In order that a marriage may be declared void, the suit must be brought immediately upon arriving at the age of consent.

Section 1744. A marriage shall not be annulled at the suit of a party who was of the age of legal consent (fourteen then, sixteen now) when it was contracted, or where it appears that the parties, for any time after they attained that age, lived together as husband and wife,

had consented for me, signed my name, and witnessed the contract.* If I had willingly entered into the contract alone by myself, the marriage would have been set aside upon my petition, as there would have been no lawful consent to the marriage, neither my own (which did not count) nor my mother's; but otherwise it had to stand. There was no reason for annulling it—except to gratify my wishes in the matter. It was in the power of the court to do this, but it declined to do it.

“You don't hate your uncle now. How did you come to like him?”

“By association, I suppose. I spent my subsequent vacations travelling with him, and after graduation he took me on a delightful trip up the Mediterranean. He never scolded me once or said a harsh word to me; and when I used to let my temper out in a blaze at him he would only say ‘Poor motherless girl!’ It was his persistent amiability, I think, that reconciled me to my fate. I am very fond of him, at times. There are not many men in the world with such a sweet disposition or with such a strong brain.”

“Smith has another legal wife, you said. How did that come?”

* Until the child reaches the age of consent, the consent is vested in the parent or guardian. In this case the point was not made that the parties were uncle and niece, and if it had been properly urged the court might have annulled the marriage on the ground that they were too nearly related. The sillier the point, the more likely to be adopted. Marriage is considered by the courts a very serious matter, and a marriage once entered into must stand unless there is some very weighty reason for annulling it. Even where the marriage is a felony in itself—where it is without the parent's consent, and the girl is under sixteen—though the husband be sent to State Prison for five years, yet the marriage stands good; and no human power could declare it void, prior to June 24, 1867, if the girl was over fourteen. Section 1744.)

Mrs. Carter looked keenly at Dick, and the trouble in her eyes grew deeper.

"One day Billy asked me to look through his desk for some papers. I did so, and found a divorce, granted in Indiana, against Jane Williams. It was dated only a few months before our marriage. When I showed it to him he told me that he had married her when he was nineteen years old. He spent his last college vacation with a classmate who lived in Jefferson county, and she was a girl in a neighboring village. He had married her in a moment of infatuation, and when he told his father, the latter insisted upon a divorce, to which he was quite willing to agree, but had never taken the trouble to get until then. When I remarked that it was of no more use than a piece of waste paper, and that his previous marriage in this State rendered our subsequent marriage in this State not only invalid, but bigamous, he replied that, before going to Europe the year he was graduated, he had gone to the village, and found that Jane had left with her sister; that he tried to trace her and could not; that, when we were married, over five years had elapsed from the time she disappeared; and that he was perfectly free to marry again in this State without the divorce; * but that if, before marrying, he had not se-

SECTION 6. If any person whose husband or wife shall have absented himself or herself for the space of five successive years, without being known to such person to be living during that time, shall marry during the lifetime of such absent husband or wife, the marriage shall be void only from the time that its nullity shall be pronounced by a court of competent authority.

This second marriage has the same validity as the first marriage, except that the innocent third party may, at pleasure, apply to have it ended. The children born of it are legitimate, and inherit, and it is not to the interest of the innocent party to have it ended. If no application is made by the proper person to declare it void, it must stand

cured the divorce, his second wife would have been free to have the marriage annulled whenever she pleased. The divorce was merely to keep his second wife from having the whip hand over him. I suppose I might succeed now in an application to have our marriage annulled from the date of the decree, if I should make a strong effort, in spite of the divorce, * for Jane Williams is his lawful wife in this State and in every State except Indiana and New Hampshire ; but why should I do it ? If I had known about it years ago, I should have tried."

"How, in the name of all that's wonderful, do you know so much about law ?" Dick asks.

She laughs softly. "We had a regular course, the last year at Mrs Rider's, of marriage and divorce law. She said that it was more important than any other study ; that every woman should understand it thoroughly, as the happiness of their lives would more often depend upon a knowledge of the law, than upon French or music. We had an excellent instructor, ex-Judge Abbott, and he made it the most interesting and fascinating study

during life. If the deserter returns, then the party deserted, if a husband, has two legal wives, both of whom he must support, and with both of whom he may lawfully live ; if a wife, she has two lawful husbands, from both of whom she is entitled to support, and with both of whom she may lawfully live. No action for divorce can be maintained by any of the parties, as their relations are lawful.

* "A court of another State has no jurisdiction to dissolve the marriage of a citizen of this State domiciled here who is not served with process in the foreign State, and who does not appear in the action." Court of Appeals, 1880, *People vs. Baker*, 76 N. Y., p. 78.

A court of another state cannot adjudge a dissolution of the marriage of a resident of this State, without voluntary appearance or personal service. Supreme Court, 1882, *People vs. Chase*, 28 Hun, p. 256.

we had. The girls used to be impatient for that study hour."

"I never found law lectures entertaining, when I took a course of them. How did he teach?"

"Mainly by actual cases taken from the newspapers and the decisions of the courts. But even the text of the statutes was made interesting."

"Did he tell you that a husband was bound to provide support for a wife, and that it was a misdemeanor punishable by one year's imprisonment if he failed to do it?"

"You are trying to catch me. That was not the law then. The law has been changed."

"How do you know?"

"Because I am interested in such questions, and I keep informed about all changes, as he recommended."

"Is Mrs. Rider's the only school where girls are taught marriage and divorce law?"

"Not now. Nearly all American finishing schools have a similar course. She started it, I believe; but it was long before my time."

"I don't think it should be necessary," says Mrs Carter.

"It ought not to be, but it is," replies Mrs Smith, rising. "I am going to bed. Nellie, I will leave you and Mr Jones to tear my character to pieces, if you wish to continue this séance."

She kisses her, bids Dick good-night, and flits into the house.

Dick takes her place in the hammock after rearranging his aunt's pillow."

"Isn't she a delicious woman?" he asks, in a vague sort of way.

His aunt does not reply. There's a strange, faint feeling, full of pain, that she is struggling against, and she cannot.

Dick rattles on. "She's as lissome as a young colt; and what a clear and clever brain she has! She can be sentimental or poetic, and yet she is logical and full of common-sense at the same time. She is the model American wife and woman. No other country can show anything like her, yet she is merely a type—a very fine type, it is true—of what our American education and environment produce. Her brain is not inherited; it is developed by training, and shows what our training will do. I do not wonder that foreigners take so kindly to our girls. In one or two generations more they will be so clever that European girls will be comparative barbarians."

"I think I will go in. Will you put the glasses back?"

Dick is feeling in his pockets for something he cannot find.

"You will find the box of cigars on the right hand corner of the dining-room shelf. There's a package of cigarettes on the box, and a box of matches beside it."

"Thanks, Mimi."

He bends and strokes her face and kisses her. She shrinks a little, unconsciously, then lifts her head, and kisses him in return. When he is no longer in sight she rises slowly with an odd little laugh, saying softly, "What is the matter? What has come over me?"

Five minutes later Dick is sitting in a low easy-chair by the dining-room window, and is in the act of striking a match when he feels an arm around his neck, and a low voice says, "Dick, may I disturb your dreams for a minute or two?"

The match goes out of the window. He turns quickly, seizes her hands, and draws her upon his knee. His quick ear has caught the minor key.

"What is it, Mimi?"

Her head sinks upon his shoulder, and her bosom rises and falls for a few moments in noiseless sobs.

"You have been in trouble, yesterday and to-day, and you have not told me," he says, gently.

"How do you know?" She has not yet control of her voice.

"By your face, Mimi; by your eyes when they rested on me. Do I not know every shade of the one, every light in the other, my own sweet, darling, precious Mimi; pancake or no pancake? Tell me."

"Do you know what day this is, Dick?"

"Tuesday, July 6," he says, after a moment's hesitation. "No, Mimi; I do not know that it's any particular day."

"Just twelve years ago to-night, Dick, you came into my life; and now, dear, you are passing out of it. I am losing you, Dick, and it is very, very hard." Her voice broke.

He kissed her eyes. His hand smoothed her hair. Silence was more consoling than words.

"Do you remember, Dick? It was after dark when we got home from the funeral and I took you to my room. You cried passionately and would not be comforted, even by your Mimi, much as you loved her. You were such a delicate and fragile child that up to that time we never expected you to live from one week to another, and I grew frightened at your grief and tried in every way to console you. But you wanted only the mamma the wicked men had left behind in the ground. At last I

unbuttoned my dress and put your thin little hand on my breast, as your mother would have done, and in a few minutes you fell asleep. I sat there, Dick, for nearly three hours, for every time I moved you would begin sobbing in your sleep. The touch of your hand gave me the strangest sensations. From a girl, I grew into a woman, from an aunt into a mother. I had loved you before, but that was nothing to the love that came surging up in waves. I kissed you, I cried over you, I prayed over you. I vowed that I would be your mother, and I believe that I forgot you were not my own, or if it was remembered for a moment it brought a jealous twinge.

"For three years or more I lived only in you and for you, Dick. I sent Harry away, because he might not like you, and only let him come back to me when he had promised to be your father and brother. He was good to you, Dick; and you owe much to him."

"Indeed I do. There have been very few like him in the world."

"My first care was your health. Night and day I watched over your crib. I followed the doctor's advice to the letter, and I often had to deny you when it nearly broke my heart to do it. But I conquered fate, did I not, Dick?" She puts her hands to his cheeks and looks in his eyes with a little triumphant sob. "Few men can compare with my strong, stalwart Dick."

"I owe you my life, my more than mother. I have known it for years. I never shall forget it, because I cannot."

"Then, Dick, the problem was to bring you up, not like other boys, but free from evil and the contamination of evil. Many a night I have lain awake thinking of this; for I wanted you to be a pure, sweet, clean, noble man.

And you are, Dick; but that is because you inherited your mother's mind in your father's body."

"No, Mimi. It is only lately that I have fully learned how much I owe in this respect to your care, your wise and watchful tenderness that kept me from temptation, that encircled me on every side. You do not know yourself, Mimi. You can never know."

Her arms clasp around his neck. She kisses him again and again.

"For years I have known I must lose you," she says, "and I have schooled myself to bear the loss of my first-born who came from heaven into my heart. I knew I must not be selfish, and that it was my duty to give you to some noble and true woman. I have never been jealous, my darling, except of the false and painted women for whom you always seemed to have such a strange attraction."

"It was only curiosity, Mimi. I have a strange fancy for all sorts of monstrosities, such as living skeletons, and three-armed men, and women without hearts, and talking girls with saw-dust brains."

"They were often pretty, Dick! But you know I have sent you among good women, and brought pretty girls (who were also wise) to the house. Tell me, Dick, have I ever shown jealousy of any woman who would make you a proper wife?"

There was an entreaty in her tone of which she was unconscious; Dick caught it, but—manlike—misapprehended it utterly.

"Mimi, you have overloaded me with sweethearts. If I danced twice with a woman you have had her at the house on a visit and planned something where I should have her all to myself for an hour. If I praised a woman, you made up a theatre party with me as her special

cavalier. You have introduced me to a hundred pretty women, and watched my face for some sign of interest in each case; and when I showed none, have straightway found another of a different pattern to present me to. If I had been a homely, sour, portionless daughter on the wrong side of thirty, you couldn't have been more anxious for me to marry or have manoeuvred more dexterously to find me chances. And I wanted none of them. You were my sweetheart from the time I was sixteen to twenty—and I wanted no other. I never found in their faces what I saw in yours, Mimi. I have been miserably jealous the last two years, when you have put me off on some self-conscious young virgin, and have sat and talked and smiled to some corset-waisted, old, professional beau."

Her arm had slipped around his waist, and her head was laid on his shoulder. It was so sweet to her bruised heart.

"Do you remember the days, Mimi, when you were my sweetheart, and I would have none other; when we went everywhere together, to theatres, and parties, and receptions; on little excursions, and even to base-ball matches and horse-races for which you cared nothing? And I was so proud of my lovely sweetheart, and never let the boys at Columbia know you were my aunt! Do you remember? And the delicious little dinners at Franeanelli's, and the little suppers after the play at Tortoni's, just as if we had been lovers and they were sweet stolen waters? And how long I would take to arrange your scarf, until my hand touched your chin, or your eyes had looked into mine and I had seen the faint flush come to your face and the light to your eyes and the little sweet smile to your lips? Those

were the sweetest, dearest days of my life, Mimi. I will never be so happy again. Do you remember them?"

Remember them! Did she not? Were they not ever present with her—a secret delight in which she never dared indulge except in the darkness when all alone. And she knew not why they were a delight, or why she should fear. Up over face and neck and arms to the very finger-tips the red blood surged in a flood, as, with his arms around her, she recalled them, and, in the darkness, her face turned closely to his neck, her free hand unconsciously pressed upon her heart, as if to smother the sound of its irregular beating, and she trembled as with cold. Time and place, the world, the past, everything faded away and was forgotten in this moment of rapture that, like a sportive wave, seized her with a grasp against which no human strength could think to struggle, and tossed and toyed and played with her. His sweet voice, not a word of which would she or could she lose, brought her back from her dreams.

"I did not know then, Mimi, what I know now, that all this was but your watchful tenderness, your loving care, my more than mother, to keep me from the temptations and the sins of youth, to guide me through the world with an angel by my side, and not merely to keep me in ignorance of it, that prompted you."

Slowly the emotion passed away, his words bringing rest and peace. But something seemed to have been lost, though she knew not what. She was vaguely conscious that Fear had fled, she knew not why, and with it—Hope.

"But you will never know the fierce, wild jealousy

that possessed me when this guardianship passed away after I became twenty-one. On my very birthday, when I wanted you, the sweetest, best, and loveliest woman the sun ever shone upon, whom I had looked upon so many years as all my own, for my companion on the excursion and at the reception ; when I wanted you, as I never wanted you before in all my life, to rejoice with me in my manhood, to share with me the honor ; on that day you gave me to baby-faced Anne Henderson. I went upstairs to my room and shook my fist at myself in the glass and cursed Anne Henderson with the major excommunication from 'Tristram Shandy,' before I could go downstairs and be civil to her."

She laughs a sweet, joyous, happy laugh of unspeakable content as she half turns to rest her head against his, her hands caressing his cheeks, fondling his forehead, smoothing his hair. It is only for a moment, but his strong arms hold her closely, and their grasp is sweet.

"And that is why you took such a dislike to that dainty girl, one of the sweetest you ever met?" How happy she is the voice shows.

"That and nothing else. She robbed me of you."

She cannot help it. Her arms close around his neck. Her lips seek his in passionate pressure that is felt through every nerve of her body—and his.

"No, Dick," she says, almost fiercely, "that can never, never be. No one can take me from you. I am heart of your heart. But some one will take you from me."

"Why will you even think of such a thing?"

"Because it is true."

She rises and stands by the window, looking out at nothing and inward at the painful thought.

"Come here, Mimi, and tell me what you mean."

She turns.

"I must say it—"

"Not there. Here on my breast; where you started to say it."

"But I am heavy, and you are tired."

It is very tempting. A great longing seizes her.

"Here, or I will not listen."

She yields, and sits upon his knee; her hand upon his shoulder.

"Are you sure you are not tired of me?"

"Tired! Aye, as tired as you were when you held me for three hours in your arms to keep me from sobbing! As tired as you were an hundred and a thousand times after, when you watched alone by my bed through the long nights! As tired as you have been when, after a long day's journey, you have soothed my peevish, childish complaints with unwearied patience, hour after hour, your own brain half benumbed with pain! O, Nellie! —" his voice broke in a fierce sob— "if I only could for once make some return. To suffer pain for your dear sake would be the keenest delight."

She waited for a moment before she spoke.

"I did not mean, dear, when I recalled the past to you, that there should be any sense of obligation, Dick. I only meant to recall to you how much I love you, and the fact that sometimes, though loving you, I have had to give you pain that good might follow. And if I give you pain now, that is my reason and my excuse. For many weeks I have seen you slipping away from me, but not as I could bear to see you, into the arms of a good, pure woman, whom I could clasp to my heart and call my daughter and my sister. I cannot say more.

You know, my darling, that I am not jealous of another woman because she has your love—”

Why did her voice falter? What meant that unreal sound to it, as if she did not believe her own words? It frightened her.

“But I am jealous of your honor, your manhood, your self-respect. I care a thousand times more for your honor than for my own. It has not yet been sullied by any low intrigue with a wife, or any vile amour with a common woman. Do not, Richard, be tempted into either. If you feel that you owe me anything for the past, repay me fully, repay me to the last fraction, by heeding my words and by doing this thing for me. Pass this temptation by, at whatever cost. If it is worth more to you to do this than what you owe me—”

“Don’t!” He laid his finger lightly on her lips. “I know what you mean. It were folly to deny it or to beat about the bush. Your clear eyes probably saw the descending road before I knew I was on it. I wish you had spoken before the incline became so steep, but what I can do in all honor to recover myself, that will I do.”

“Oh! Dick. Is it so bad as that?”

Her eyes are dry, but her face is set, and the agony of death is passing through her,

“Nay, nay, Nellie! I have not had one kiss, but I have kissed her hands, and once her ear. It is so bad, but no worse.”

“Not even a kiss! Not even one!” She is bewildered. Then her indignation flares up that he should have been so ill-treated. But before she expresses it, he continues:

“You told me years ago never to ‘kiss and tell’; but not to tell all now would be to do worse by indirection.

That kiss on her ear was the nearest I have come to her lips."

His frank tone carried perfect conviction.

"But you love her, Dick?" It was not a question, but an entreaty, a statement of a truth.

"Do I?" he asks, with a laugh that is more than half natural. "I was not so sure of it after I asked her to run away with me and she declined, as before it. The more I think of it, the more convinced I am that you and I ought both to be very thankful that I did ask her."

"But you must love her, Dick! She is so handsome and winsome, so keen and bright, so sadly lovable!" She couldn't help the scratch. "But, O, Dick, she's as hard as nails," she exclaims in a sudden burst of confidence and temper.

He laughs and smooths her arm. She takes his hand away.

"Tell me, do you love her?"

"Not as I love you, Nellie." The words are very low and hesitating.

"I know that," she replies bravely, but with a sensation of fainting and a pain that cuts like a knife; "but—"

"I would not exchange all she can give me, though it be everything in the power of woman to grant, for one kiss from your lips, for even one loving thought in your dreams. Do I love her, Nellie?" His speech is quiet, his voice very grave. The past twelve hours have been a cycle in his life.

She bows her face in her hands. Her tears fall like rain. But they are blessed tears that freshen the parched heart as a July shower freshens the scorched fields. It is over in a moment. She takes her hands away and he dries her eyes. The little action is balm to her.

“Do I love her, Nellie?” he persists. Never more does the childish “Mini” (auntie) come from his lips.

“No,” she replies, confidently. She leans forward, puts her arm around his neck, her heart full of shy happiness, longing to confer some pleasure upon him, and says, a little hesitatingly and with a color that the darkness hides, “If it will give you pleasure, Dick, kiss her, fondle her to your content. *But don’t love her,*” she whispers, unconscious of what the words betray; “*I could not bear that.*”

He takes her hands in his.

“Do you know what you are saying? A moment ago and you were asking me to keep from this intrigue; and now you say go on with it. What has come over you?”

It was too true. What had?

“I meant—I mean—It was for your sake I wanted you to abandon it. If you loved her it would ruin your life. If you do not love her, I have no right to object. You merely amuse yourself.”

“And you do not object? It would please you to see her sitting here as you are, my arms around her, my lips on hers?”

She started as if stung. It was a minute before she answered.

“I have no right to ask and no desire that you should be a Joseph. King Arthur was not less but more the flower of Christendom and exemplar of all that’s knightly and noble because he spent three months in Gwendolen’s bower.”

“You have not answered me.”

His quiet persistence confuses her. The shadow of Fear falls upon her. She feels she must not answer, even to herself, much less to him, and she evades it.

"What did you mean by saying you wished I had spoken before?" she asks.

"I have said certain words. I cannot recall words that can only be forgotten. I have made engagements that must be kept."

"But if you do not love her, there is no danger to you. Her caresses will give you pleasure. Take them. Let us try and forget this conversation."

"Will that be so easy?"

She knows it will not, and is silent.

"Has your trouble gone?"

"Yes, in part." She rises.

"Do not go yet. You came here to scold me. Stay a moment now that things disagreeable have been finished and put away."

She lets him draw her down. Her head sinks again upon his shoulder, and his arm holds her tightly. She is tired from the conflict of emotions, and her eyes close. The rest, the peace, the silence are delicious. Minute after minute passes. Then a sweet sense of shame gradually rises—wherefrom or wherefore she cannot tell—and she starts up, blushing violently. She feels her face burn.

"I must go now. Good-night, Dick," she says, confusedly and hurriedly, yet hesitating as she goes, as if half expecting and certainly wishing him to detain her. But he does not.

"Good-night, Nellie. May you have sweet and pleasant dreams."

Was it some strange tone in his voice that caused her to stand in the doorway, waiting until he had closed the windows and joined her?

"You are very sure you have made no mistake, that

you will not regret," she says, timidly, as they reach the top of the stairs.

"I shall never cease to regret that I ever told another woman I loved her; I shall never forgive myself that for one brief moment I thought I did," he answers, with a tinge of bitterness, as he turns and walks up the corridor. "Good-night."

She stands irresolute for a moment. He has nearly reached the door of his room.

"Dick!" she whispers.

He hears and turns. She stands in a little patch of moonlight that floods the corridor from the west window, her hands half extended and her face bowed.

The next instant she is clasped closely in his arms, and she clings to him, though his kisses burn and sting, and her blood runs leaping and dancing; clings closer and tighter that her eyes are blinded by the red lights flashing before them, and she cannot breathe except in gasps and sobs.

Suddenly she twists herself free, and the next instant is in her room, leaning against the wall, both hands pressed upon her panting bosom, but listening with supernatural keenness to the sound of his footsteps on the bare boards.

When she hears the door of his room close she sinks on her knees by the bed.

"He is mine! He is mine! He is mine!" she whispers over and over again. "I cannot give him up to another. It is not wicked! It is not wrong! - *It is the law.*"

CHAPTER III.

In the lips of him that hath discernment wisdom is found :
But a rod is for the back of him that is void of understanding.

Prov. x. 13.

“WHY, Frank, this is abominable ! You cannot mean to prosecute this case !”

“Indeed I do,” says the other calmly. “At this time to-morrow he will have been sentenced to five years imprisonment.”

Both men are about thirty years old, and the room is plainly the bachelor den of a lawyer.

The first speaker is fair-haired, with black eyes. His skin is as clear and transparent as a woman's, and he seems the embodiment of laziness and good living until one catches a gleam of the eyes. He is one who takes the world and the flesh easily—as his waist shows—keeping the third party right behind the eyelids, and ready to spring out at any moment.

His companion is dark and spare, with keen steel-gray eyes and a strong face with fine lines ; one whose every nervous motion shows mental activity of the strongest kind. He is the district-attorney of Jefferson county, and acknowledged to be the best it ever had.

Two men of more opposite natures than Frank Brooks and William Smith could hardly be found in a summer day ; and it is probably owing to the fact that they never agreed in their lives upon any single question of opinion that they have been close friends from the day

they joined the Freshman class in Union College, sixteen years before.

"But this is a mere technicality, Frank. It is not justice."

"How many trout did you catch to-day?"

"Six. Never mind about my fishing. That is aliunde. Talk of this case."

"Answer my question merely. The stenographer will strike out all after the word 'six.' Did you seek any information as to whether any of the six were married or single, rich or poor, guilty or innocent?"

"Certainly not, but——"

"When you saw a fine fat fellow, up to all the anglers' tricks, did you not try to get him in preference to others that were ready to jump for your bait?"

"As a matter of course. I was fishing for sport."

"Sometimes I fish for sport. Those who are floundering in the waters of the law are my trout, and I try to land them in Auburn. I am paid for it, but I have no special liking for the work. Merely to pick up those who are fast caught in the meshes of the net is labor merely for bread and butter. But when I see a fine fat fellow that the meshes are too large for, one who has eluded the snares, then all the sporting blood in me comes to the surface, and I spare nothing to land him."

"But consider this case by itself; not as a lawyer, but as a man!"

"With pleasure; as a juryman. Go on! state the case as you understand it."

The other laughs. "'Trying it on a dog,' Frank? Well, here goes. What do you think, on your oath as a juryman, remember, of this story. Peter Robinson, an honest man, upright and God-fearing, marries Fanny

Williams, district school-teacher and soprano in the choir, who is probably pretty, intelligent, and a favorite with the men—three felonious offences in the eyes of every old maid and gossip in the village of Tipton. Robinson knows he is hardly worthy such a wife, and his naturally jealous temper is most artfully played on by two or three mischief-makers. He has occasion to be absent from home two nights in every month, and rumors reach his ears that a strange man has been seen going into his house late at night when he is away. He has a row with his wife, traces the story to the gossips, and one of these asserts that she has also seen his wife slipping into the little room at the depot where Bill Bunker, the station-master, sleeps, at eleven o'clock, and coming out at two in the morning. Robinson gets a divorce on their testimony, and two weeks afterward a girl in the village has Bunker arrested and brought before the Overseers of the Poor. It turns out that she was the woman the gossips saw—it was not Mrs. Robinson. Then it is further discovered that the woman who saw a man go into the house was away from Tipton on the date she gave by mistake, and that it was the 26th she was on the watch, not the 25th, as she swore, and the man she saw was Robinson himself. Mrs. Robinson's reputation is cleared, and she and Robinson are reconciled and re-married in the church, the pastor making it, we will suppose, an occasion long to be remembered by his sermon on scandalmongering. Then you pounce down on Robinson, the grand jury indicts him for bigamy, as an accessory thereto—"

"And to-morrow he will go to Auburn to serve out a sentence of five years' imprisonment. It will be the best day's work I ever did."

"You cold-blooded wretch! If his counsel had moved to have the divorce set aside, the court would gladly have granted the motion. Then there would have been no bigamy. He was at liberty and free to marry any other woman, not a married woman. Mrs. Robinson could not marry him or anybody else."

"Exactly. He was free to marry any one else and free to marry her if he was willing to pay \$5 to have the divorce set aside. But he kept the five dollars out of his lawyer's pocket and in his own. Because he saved five dollars, he must serve five years. That's just. It was highway robbery of five dollars from a member of the legal profession."

"Confound you, Frank. I am tempted to volunteer in his defence and make my maiden speech to a jury. I believe I could beat you."

"That would hardly be professional, Billy, after studying my case; but I will gladly have you do it. I have tried hard enough to get you to practice, for I know you would stand at the head of the talkers, as you now stand at the head of the thinkers. I will risk losing my pet case to get you to make the plunge."

"Why are you so anxious to convict this poor devil? What did he ever do to you?"

"Nothing. I never heard of him until I read in the *Observer* that he was to be re-married. I never saw him. But this case will be a *cause célèbre*. It will be the first conviction under the Court of Appeals' decision in the case of the People *vs.* Faber,* and Chief Justice

* See 92 N. Y., 146. "A person against whom a decree of divorce has been granted by the courts of this state, who, during the lifetime of the plaintiff, marries again within this state, is guilty of bigamy. He is a 'person having a husband or wife living' within 2 R. S. 687 § 8."

Neilson's decision in *Moore vs. Moore*.^{*} It will go into the law books, and I am fighting for reputation as well as fun. If he has not money enough to carry the case to the Court of Appeals, I shall hire counsel for him and have the case appealed at my own expense. I am right and I will win."

"I grant that you have on your side what is improperly called 'the law,' but is really rank injustice. You have no statute law—no man would disgrace his manhood by proposing such a statute—only judge-made law to defend your position. What useful purpose will such a conviction serve? You cannot be so heartless, Frank, as to do this cruel thing for mere sport. I happen to know that you are one of the most tender-hearted and sympathetic men living—too tender-hearted to hunt or fish—much too tender-hearted to do such a thing as this without a good motive. Come, old fellow, tell me!"

Brooks laughs. "All the lawyers think my heart is as hard as flint. Only you know my weakness, and, putting all jest aside, the point is this: For years the civil courts have been dealing out the most diabolical injustice in the name of law, and I want to put a stop

Held (in *Robinson vs. Reed*), "that this prohibition extends to his re-marriage with the plaintiff, who becomes by the divorce *femme sole* and is not to be distinguished from any other *femme sole*, and the children born of the second and bigamous marriage are not legitimate and cannot inherit."

^{*} City Court of Brooklyn; *Moore vs. Moore*; Action for divorce. "*Held*, That, as the wife knew of the provision forbidding her husband to re-marry during her lifetime, and as the decree in which that provision was contained had been obtained upon her motion, the second marriage of these previously divorced parties was illegal and void; the plaintiff was not the legitimate wife of the husband, she having married him while he was under a disability to remarry: and as she was merely his mistress the children were illegitimate."

to it. These divorces and re-marriages have become as common as ditch-water, and the criminal side of the law has refrained, through mistaken mercy and perhaps motives of policy, from prosecuting them. Now, in every case, without exception, when the man dies, and his widow and children attempt to keep the property he leaves—it may be only a few acres of land, or only a house, or, as in a case tried here in Watertown last week, a milk route with a horse and wagon—the civil court steps in and takes it away from them. It brands the woman as a mistress and the children as bastards, and turns them, penniless and disgraced, out into the world. If I let this case pass, when Robinson dies his wife will be turned out of his house, the children born to them will be declared illegitimate, and the family will go on the town. These civil cases never get into the newspapers, much less the Reports. Nobody ever hears of them. They are too common to excite remark. The decision is misunderstood, for the people think it is because the second marriage was not properly performed or lacked some formality, and no one takes warning. Only a criminal case is talked about, or remembered, or understood. The conviction of Faber caused widespread discussion, but it was on a side issue.* Now this conviction will bring the sub-

* See note ante. Faber did not marry his divorced wife. He married another woman. But this fact was not noticed by the court; nor was any distinction made by the Court of Appeals, in confirming his sentence, between his marriage with his divorced wife and with any other single woman. The offensee had nothing to do with the woman. It was the act of marriage. In the discussion of Faber's case the only point to which attention was directed was that it was bigamy for a divorced man to remarry. Nobody observed that the inhibition included his divorced wife, and it was taken for granted by the laymen that she was excepted from it.

ject sharply and clearly before the public. There are no side issues in it—only the one fact. The newspapers will take it up, and I shall use it as a lever to get the law changed. Robinson will suffer; but his conviction will save thousands of families from ruin and disgrace, and hundreds from being forced by these civil courts into the ranks of the criminal classes.”

Smith nodded. “Good for you, Frank. You are perfectly right. I have nothing more to say.”

“But I have. I want a friend, a lawyer, quick to understand and apply. If I were not a district attorney, only a lawyer without practice, and I should be present in a town where such a case was tried, I should drop on the fact that it was not the man but the woman who committed the bigamy; that she was the real culprit and he only an accessory; I should know that the grand jury would be in session, waiting to hear the result, and ready, if the man should be convicted, to bring in an indictment for bigamy against the wife.* I should know that this indictment could not be presented in the court until the next morning at eleven o'clock, and before that time came and the court issued a warrant for her arrest, I should have that woman out of its jurisdiction, never to be brought back. I should know that the district attorney could not, without violating his oath of office, be a party to what I should do, or give me any help; but I should know that I was relieving his mind of a heavy load of responsibility, and that even if I were a stranger he would consider me the best friend he ever had. I should know that nothing could save

* Both parties are equally guilty and receive the same punishment—see Sec. 301, Criminal Code—provided the consort knows of the divorce.

the woman from conviction if the man were previously convicted, because she was the principal and he only an accessory, and that even her counsel would advise her to plead guilty, though a plea of guilty is practically a bar to executive clemency. I should also know that the district attorney would never seek out where the woman went to, although he would have to prosecute her when brought before the court, for "pigeon-holing" such cases is not permitted by the honest countryman; only by the careless citizen."

"By the way, Frank," Smith says carelessly, apparently taking no interest in what his friend had been saying, "I forgot to tell you that I think of taking a run down to the city to-morrow night on the 9.15 train; I had a letter from my wife, to-day, that makes it necessary. You won't mind my cutting my visit short, will you, under the circumstances? Our wives, you know, are entitled to our first consideration. And would you mind telling my friends early in the morning that I am going?"

Brooks laughed. "You cannot imagine what a relief it will be to me to have you go—under the circumstances. A man who has married a wife with \$30,000 a year ought certainly to obey her slightest wish—especially when she is as sweet and lovely as Mrs. Smith. If I only had her, Billy, you might have her money and welcome."

Smith blew one ring through another. "So it was a 'mash'," he says slowly. "I thought so at the time. I came near getting 'mashed' myself just before I came here."

Brooks looks at him. "Aphrodite came back to earth to a London barber and Proserpine—"

"Comes back to me. Thanks. I am as sorry for her as the barber was for his Venus. It is very singular, but I have been thinking all day of that first wife of mine. It seems to me as if she were near me, somewhere. Do you know, Frank, a man loves only once in his life—and I loved her. I love her now, and always will."

"She was a lovely and lovable child. I don't think you treated her as well as you should have done."

"I did the best I could. My father made me go to Europe. I was absolutely afraid of him—and I was only a boy. But before I left I went to Ridgeville, and was told that she had gone to her sister's in Philadelphia. I wrote to her at Philadelphia, and advertised the letters in the Philadelphia papers. When I came back from Europe after father died, I spent several thousand dollars advertising for her. I couldn't do more."

Brooks makes no reply.

"What are you thinking about, Frank? The case?"

"The case! No."

"Then it's Proserpine."

The other colors a trifle. Then he says gravely:

"Yes. How many legal wives have you, Billy?"

"Only the two. What do you take me for, a Turk?"

"No, I was only thinking of your walking down Fifth Avenue with a lawful wife on each arm—I did not know but that you might have a third following you—and Robinson, in a striped suit, breaking stones because he tried to keep his one. I seemed to see the two pictures one over the other."

"Perhaps you may," Smith rejoins carelessly. "Why not? You say *it is the law*."

CHAPTER IV.

There is grievous correction for him that forsaketh the right way.

Prov. xv. 10.

THE country court-room was crowded. Robinson's arrest had astonished the country side—if anything can truthfully be said to astonish the American farmer. How a man who never had had more than one wife—not even a dead one to add to the living one—could commit bigamy, puzzled him. He did not discuss the question—the American countryman never does that. Discussion is left to the women; he wastes no words—except in making speeches. He simply thought about it, and this case required a great deal of thinking—so much that he became absent-minded.

The prisoner sat within the railing, on the left of his counsel, an old man, evidently "set in his way," who tried all cases on one model. Beside him were two women, both extremely refined and pretty—one remarkably so. Robinson was a man of about thirty-five, who had already begun to stoop. His face was rugged and honest, but stern and vindictive; that of a man to be respected, but not loved or even sympathized with. Smith's description from imagination fitted him fairly well.

The district attorney, as he took his seat a little nearer the clerk, glanced rather curiously at Robinson and at the two women.

"Remember they are your charge," he mutters to Smith.

"Who and which are they?"

Brooks called an attendant.

"Mrs. Robinson and her sister, Mrs. Greene."

"What kind of a lawyer has he?"

"The biggest ass, with the biggest reputation in the county. He will be sure to bungle. I wish you had the case."

Smith smiles absently, and continues his study of Mrs. Greene's face, changing his position so that he can do it uninterruptedly.

Two hours are spent in wrangling over the indictment and in impanelling the jury. The motion to quash the indictment is postponed by the judge until the prosecution has submitted its case. Brooks' opening speech is exactly one minute long. He calls but two witnesses.

The first is the gray-haired clergyman. He identifies the prisoner as the man married on a certain date to the woman who sits beside him.

Brooks offers in evidence a certified copy of the decree of divorce between them. The judge marks it for identification, and the clergyman, continuing his testimony, identifies the prisoner as the man married on the fifteenth of the preceding month, in his church.

The cross-examination merely establishes the fact that he was married on each occasion to the same woman.

"Jane Greene!" calls the crier.

Mrs. Greene takes the chair and is sworn. Brooks asks her only a few questions. She was present at both marriages and identifies the prisoner. She was present

at the hearing of the evidence in the divorce suit before the referee. The prisoner was the plaintiff. The woman he married, June 15, was the defendant in the divorce case. The copy of the decree is of that granted in his suit against her sister, and her sister and he were remarried June 15.

"Your witness," remarks Brooks; "and my case," he adds *sotto voce*.

A great inspiration comes to the defendant's attorney. There is but this woman's testimony to prove the prisoner is the person named in the decree. Her testimony must be broken down. He has but the one method. He knows no other.

"Your name is Jane Greene. What was it before you married Mr. Greene?"

"Jane Smith," she replies with a slight flush.

"That was your maiden name?"

"No. It was Williams."

Smith, with a face as white as his shirt-front, whisks hurriedly to Brooks. He has been expecting it, but it is no less a shock.

"You were married previously to your marriage with Mr. Greene, last year?"

"I object," says Brooks, plainly disturbed. "The witness is not on trial. Her marital relations are not before the court."

"I will permit the question, although I can see no object in it. You may answer."

"I had been married previously."

"Was your first husband dead, or had you obtained a divorce when you married Mr. Greene?" thunders the counsel, certain from the emotion shown by the District Attorney that he has struck the weak point.

"Do not answer, Mrs. Smith," says Brooks quickly. "Let me answer for you. I am Willie's friend, Frank. If the court please, I wish to enter my earnest protest with my objection to dragging into this case, for no object whatever, the great grief and great sorrow that came twelve years ago to the witness and to our honored guest."

At this there was a sensation. The witness looked at Smith fixedly for a moment, rose with a gasp and a sob, and sank back fainting in the chair. Smith sprang over the counsel's table and lifted her up, calling for a glass of water, which the judge handed to him. It was hardly needed, for she opened her eyes immediately, and sobbed, "Willie! Willie!"

"If the counsel wishes, we will admit," continues Brooks, in a voice that echoes through the room like a minor chord of music, "that the witness, twelve years ago, married my friend who now supports her. They were little more than children at the time, and to my knowledge were forcibly separated after a few months of married life, not to meet again or hear of one another's existence until the present moment. As soon as her husband reached man's estate, he began his search for his lost wife—a search in which he has spent a fortune—and which ends to day and here." A thrill of emotion and a wave of applause ran unchecked through the room. "She waited for him the five years fixed by law, as her evidence shows; she waited for him another five years yet, and it was not until over ten years had passed, until she had been free for five years to remarry, that she took other bonds. Her husband is known to the court as a member of the bar and of the State Legislature. Will the counsel insist upon him and upon me

going upon the witness-stand to protect her fair fame and honor from his wanton and idle assault?"

"It will not be necessary," is the sharp reply of the court. "Mr. Billings, have you any more questions to ask the witness? Mr. Smith," his voice is more than kind, "take your wife to my private room."

He has not waited for reply, but Billings is not capable of any. He is paralyzed at the blunder he has made.

"This is the case for the people."

Billings suggests a recess for dinner, and it is taken, to everybody's delight. The case before the court is forgotten in the romance it has revealed.

"Do I remember you?" asks Mrs. Robinson, as Brooks takes her hands. "Does any woman ever forget her first sweetheart? I was only twelve, and in short frocks, but you made me think I was a princess in a long train. I knew well enough that it was only to keep me from interfering between Willie and Jane, but all the girls were wild over you, and it was the sweetest triumph I ever had. O, Frank," and a great sob came as she realized who and what he was, "you will be merciful to us!"

"As I can, dear Fanny. If you were my own sister, my mother, or my daughter, your interests could not have been more carefully guarded than they already have been. A month from now, perhaps sooner, when you fully realize from what an abyss I have saved you, you will thank me. But promise me," he said, in an undertone which only she heard, "promise me that for twenty-four hours you will be guided solely by Willie. He is one of the very best lawyers in the state, he understands the law in this case, and Billings don't; and

you must do what he says, blindly, and without asking any questions. Will you?"

"Yes," she says frankly, "I promise you."

"And I know the value of your promises," he says, in a tone of relief. "Dominie, are you and Mrs. Freeman waiting to take Mrs. Robinson to dinner? The judge has already carried off Mr. and Mrs. Smith. This will be walnuts and raisins to him."

Brooks invites two of his friends to dinner, but he is not good company. They imagine his thoughts are with his speech to the jury, but he never even remembers that he is to make one. They are far away, with "Proserpine."

After the recess the real battle begins. Billings has made the additional blunder of treating the case with contempt from the first. Instead of studying, he has ridiculed it. "Ten words of common-sense will blow it out of court," he has confidently predicted. But his blunder of the morning has made him lose confidence in himself, and the ten words seem hard to find. He begins by showing good character.

The District Attorney admits it, and in a few well-chosen words, pays a tribute to the prisoner's previous life and character that leaves nothing more to be said. No witnesses are needed.

Then the usual motions are argued to quash the indictment and to dismiss the case, and Billings finds, to his astonishment, that he is but an unarmed naked savage fighting with a giant clothed in mail and armed with weapons of precision. Decision after decision is cast upon his defenceless head, case after case is thrust at him; and with none is he familiar. Every point he makes is passed to one side and shown to be aliunde.

His "common-sense" hides its head and cannot be found as the "majesty of the law" is unveiled to his slow-working mind.

The audience listen with breathless interest to the sweet-voiced, gentle replies of the young District Attorney, and nod their heads at each plain and unanswerable argument. His reasoning is close, his constructions strict, but his words are so simple, his logic so clear, that they wonder how any one can contradict what he says. They look with astonishment at the man whom they have hitherto considered invincible, and wonder if he is getting too old and losing his powers.

Mr. and Mrs. Smith do not return to the court-room, and Mrs. Robinson comes in late, taking a seat at the farther end of the counsel's table, which runs perpendicularly to the judge's desk and parallel to the jury box, only a narrow lane leading to the witness-chair beside the judge separating the two. Her husband sits at the side of the table, directly behind Billings, and close to her. The railed enclosure is crowded with the members of the bar, keenly interested in the law points involved.

The counsel's plea for his client is really one of his best efforts. Once on his feet before the jury, once away from the magnetic influence of those keen gray eyes, once freed from the consciousness that through his own stupidity he is fighting at an enormous disadvantage—his foot is on his native heath and his name is once more Billings. More, he is spurred to the consciousness that he has lost ground to redeem, and he exerts himself as never before in his life to save the case. He knows now that it is desperate, and he understands that if he loses it, his reputation and income will be

seriously injured. He appeals for sympathy, for mercy, and he overdoes it.

"If he only knew when to stop," whispers one lawyer to another.

The sweet voice and gentle manner of Brooks is a striking contrast to the rolling thunder and contortions of the other. His short sentences, unadorned by superfluous adjectives or striking tropes, are a relief to the ear. There is a slight languor, a touch of sadness, that captures the jury in a moment, and the foreman gives a glance to his neighbor, as if to say, "How glad he would be if he did not have to speak, and could let the case go!"

"There is one point, gentlemen," he says, just before the brief address closes, "which, but for a circumstance that has happened here to-day, I should not have mentioned. The prisoner's counsel has painted me as a Sioux warrior, skulking up to a happy home in the dead of night, and firing the house, in order that I may brain with my tomahawk the half-naked women and children as they rush out."

The jurymen look into his face as he pauses for a moment, and a broad smile comes upon every lip. But there is no answering smile on his, only a deepening shade of sadness, and they sympathetically and intently look at him to see what is coming.

"You have listened closely to the law arguments that have been made before his honor, and I need not recall to your minds the score or more of cases cited, where two parties remarried after divorce, lived happily until one died, and then the civil court stepped in, seized the property left by the dead, turned the adulteress into the highway, and sent the bastard children to the county poorhouse. This is the end, in the civil courts, gentle-

men, of every such remarriage. It will be the end of this, if you do not put up a bar forbidding it. No verdict of yours can make it legal. These two may live together in adultery, if you wish. But their children will be the children of shame, which no human power can save them from."

Mrs. Robinson bowed her head and shaded her face with her hand. The fierce vindictive light died out of Robinson's eyes. Even the judge leaned forward, intently listening.

"Now, gentlemen, if there had been present at any one of these marriages one who understood the law, one who knew it was not a lawful marriage, and that the parties to it had merely agreed to live together in open adultery—not, as they thought, in lawful wedlock—what would you think of him, gentlemen, if he had held his peace? if he had not warned them of the sin they were about to commit? if he had not pointed out the misery to flow from it, the scorn and disgrace it would put upon the head of innocent children? But suppose they had insisted. Would he not have been justified in knocking the man down to prevent it?

"One year ago, when I took upon myself the duties of county attorney, I resolved that whenever such a marriage took place, and I could prevent the adultery, I would do it at any cost of popularity or reputation. It was idle to move in cases where the adultery already existed—it would be cruel to deprive those living in sin of a few years or a few months of happiness—the disgrace was certain to be stamped upon them sooner or later. But if I could spare two innocent people this brand of sin and shame, if I could keep one bastard from being born into the world, I resolved to do it, even if I had to knock the man down, or bring him face to face with you."

"When I read of this marriage, I went myself to Tipton. I learned, two hours after the marriage, that Mrs. Robinson had gone straight from the church to Fairview, to nurse her dying sister, leaving the prisoner behind. I was in time to prevent adultery, and I did prevent it. No blush of shame can ever come to her fair cheek if you now raise up the barrier between them. No bastard children will ever call her mother. No brand of adulteress will ever be burned upon her hand. She is as pure and as innocent as when a child. She is free from sin and from the suspicion of sin. So is the prisoner. I bring them both to you without a stain on their name or their honor, and I ask you to save them from the black pit in which they were about to plunge."

"Thank God! Thank God!" ejaculated Robinson, burying his face in his hands, while his whole body shook with suppressed emotion. Mrs. Robinson raised her eyes to Brooks, careless of the falling tears, and half extended her hands resting on the table, pride, gratitude, and thankfulness struggling for mastery. Half the women in the audience were sobbing; and all but one of those present were more or less affected. Billings was the solitary exception. He sat bolt upright, scandalized and shocked. Nothing so improper, so illegal, so unprofessional had he ever known before.

In a few additional words, passionless yet full of repressed feeling for Robinson, Brooks ended his speech, leaving upon the minds of every one who was listening, including the defendant, the firm conviction that a verdict of guilty would be a triumphant vindication of the accused, and an act of love and mercy to all concerned.

The verdict was a forgone conclusion. The judge charged briefly, merely emphasizing the point that the

jury should think only of the facts and whether the allegations in the indictment had been proven by the testimony, leaving all other questions to the court.

"Have you anything to say why sentence should not be pronounced?" asks the judge kindly, as Robinson stands at the bar.

"Nothing, your honor, except that I shall never cease to thank you all for the kindness shown to me; and my Heavenly Father that Mr. Brooks has done what he did. He has shown me my error, and I would much prefer to be punished than to have been left to sin."

"You have the sympathy of the court, of the jury, and of all who have listened to the case. Your offence is purely a technical one. Under the circumstances I consider it proper to impose the lowest sentence—one year's imprisonment."

As Billings makes no motion, Brooks whispers to a young lawyer, and the latter, coming forward to the rail, asks the court to grant a stay. The judge looks at Brooks, who whispers to him for a minute, and then paralyzes Billings by granting it.

There are three passengers on the 9.15 train.—Mr. and Mrs. Smith and Mrs. Robinson—who exchange at Rome to the express from Chicago to New York.

There is very little conversation; but, as they lie side by side in the section, Fanny puts her arm over Jane and whispers, for the train is motionless:

"I shall love Frank Brooks all my life. He is the best man in the world."

"When he sent your husband to prison and made you a fugitive from justice!"

"But he saved me from sin, and it is not his fault. *It is the law.*"

CHAPTER V.

The heart of her husband trusteth in her,
And he shall have no lack of spoil.

Prov. xxxi, 2.

HONESTY is sometimes the best policy. The great drawback is the impossibility of telling when. The Hon. William Smith was too good a politician to take any chances, but at the present moment, 9.30 A.M., as he sits in his pleasant dining-room, pretending to read the morning paper while awaiting his junior wife's advent, he feels like an operator with his whole fortune invested in a "straddle;" and desperate enough to commit any folly.

It was not until his senior wife and her sister had been safely housed at the Grand Union, and, after a light breakfast, had gone to their room for a little rest, that any thought of Mabelle had crossed his mind. His home was not half-a-dozen blocks from the hotel, and mechanically his steps had turned in that direction. The waitress had stared at him when she entered to set the table, and had asked the cook if she knew he had returned; receiving the cook's usual morning snort. Why cooks always get out of bed on the wrong side is a social problem yet unsolved.

He had made up his mind to nothing. He had not even considered any course of action. He was in a "hole," a very deep one, and that was about all that he was perfectly conscious of.

"Why, Billy!" exclaims his wife, as she enters with Gypsy, "what's the matter? Didn't the trout bite? Have you and Frank quarrelled at last? Or were the petticoats shy?"

"Business," he replies briefly. "When did you return from Carter's?"

"Yesterday."

They have shaken hands, and she is standing beside him, looking into his face.

"You look worried. Is it anything about money?" she asks kindly.

"No," he replies, unguardedly; "but something I want your advice about."

He had had no intention the second before of mentioning the matter to her. The kind voice had been a straw at which he had unconsciously grasped.

"Well," she replies, taking her seat and ringing the bell, "we will let it wait till after breakfast. It can't be anything very serious. You let little things disturb you and never worry over great ones. You came in on the night train and have had your breakfast, I suppose; but take a cup of tea with us."

A light smile is on Smith's lips as he takes his seat, grimly thinking of the "little thing" he has on his mind.

"Well, Gyp, how did you pass the Fourth?"

"There was no noise," replies his sister, languidly.

She is a young lady of very uncertain age when you look at her face or watch her manner—anywhere between twelve and twenty. Look down at the inch of black stocking between her boot-tops and the hem of her dress, and you know she is between fourteen and sixteen.

"And is that all you can say?"

"That's all there is to say. There were two children

there, who served the purpose of children well enough; they annoyed visitors. And there was no noise. I can think of nothing else."

His sister always amuses Smith. "There was a nephew also. Where does he come in?"

"Nowhere. He made love to his aunt, and flirted with Belle under his aunt's nose. She was as jealous as sin, and it was amusing for an hour; but one gets tired of the same scene and the same actors when it lasts longer, and is only talk. The entertainment is too cheap. I went to sleep."

"You have a different story to tell?" Smith turns to his wife.

"Indeed I have. I enjoyed myself very much. The air was heavenly; the weather delicious; and Dick was charming."

Smith looks at his sister and laughs.

"A very little satisfies Belle," she says wearily. "She finds tongues in trees and sermons in stones and something to laugh at in the most commonplace."

"That's the first quotation I ever heard you make. I never saw you read a book in my life."

"It isn't right. There's something that should be in it about books and brooks that I don't remember. I heard it read in school." She is aggrieved.

"Tell me honestly, Sis, when did you find out that your dolls were stuffed with saw-dust?"

"I never had a doll in my life, and you know it." Now she is indignant. "And dolls are not stuffed with sawdust," she added. "I bought one to take up for one of those children, and they pulled it to pieces the first hour. It was stuffed with cotton."

"Ah!" said Smith, with a sigh as of relief. "Now I

see where the very young ladies of the present day get their first lesson in art. But when did you learn that the world was hollow?"

"Years ago in school. Everything is like everything else. It don't matter much what happens. It is just what would be if nothing should have happened. There are no heroes any more; nothing that we read about or heard about in school; and I don't believe there ever was anything of the kind. People were just as commonplace then as a mob on a Coney Island boat is now."

"I would like to see your ideal hero, the fairy prince you dream about."

"I haven't any. I don't dream. There's only one man in the world I would care to talk to for five minutes or to have introduced to me—and that's John L. Sullivan."

"You may get over that later," laughs Belle. "You may come to a time, Gypsy, when you will be glad to have even Dr. Deems or Lester Wallack talk to you for half an hour."

Gypsy shivers.

"Pray don't suggest anything so horrid," she says rising. "If you will excuse me I will take Chump out for a walk."

The three go upstairs together, for it is the typical New York house, soap-box model standing on end, with the side to the street. The dining-room is the front basement. But behind the two long parlors—"drawing-room" is not the proper word—there is an extension which is one of the pleasantest and most restful rooms in New York. This is Mrs. Smith's, into which no foot may come without an invitation. There are books and pictures and a statuette or two; but its charm is in its

couches and easy-chairs. It is a shrine to Beauty, Comfort, Rest. There is nothing handsome and nothing pretty and nothing to admire—nothing to “show;” but there is rest and comfort for the tired eye or the wearied body or the irritated nerve. And there is the beauty that gratifies the hunger of the soul. It is not a boudoir; to call it such were desecration.* It is a retreat.

“Now tell me what is on your mind, Billy?” She has shown him a little picture that had been sent home in his absence, and he has caught the beauty of the setting.

“I met Jane at Watertown.”

“Sit down and tell me about it.”

She is grave and shocked, but listens intently to the story. He tells it fully, exactly as it happened, and the very simplicity of his words makes his description exceedingly dramatic. His grasp of the facts, his power of presentation, show that Brooks’ judgment is correct.

“So you took them to the hotel and came straight to me,” she says, with a faint flush.

She has been standing by the mantel during the latter part of the story, with her face half averted.

* Properly speaking, a boudoir is a harem, fitted up for the exclusive use of a single wife or concubine and her female attendants and eunuchs, to which her husband is the only male admitted. Among Occidental nations it takes the place of the harem in the East, and is the “survival” of the latter among nations that have reduced the number of wives to one. It is not out of place in an English house, where the wife is the private and personal property of the husband; but in America, where she is in all respects the social and political equal of the husband, the wife who apes the Oriental slavery of women by fitting up one for herself, is on an equal footing with the man who builds a summer house in the country in exact imitation of a sixth century “castle,” with moat and drawbridge. A husband’s den might as properly be fitted up on the model of a Thibetan andron and given its name.

There is only a step between them. She takes it, stands beside him for a moment, and then sits down upon his knees, but facing him, her hands resting lightly upon his shoulders, her eyes looking into his. She bends and lightly touches his forehead with her lips.

Honesty has been the best policy—by a fluke. Never before in their married life had she voluntarily kissed him; never before had she had any reason to trust him—or distrust him for that matter. She knew what he was. He had taken infinite pains to show her the vilest side of man.

“Whoso findeth a wife, findeth a good thing.” She looks into his eyes, at herself, and smiles at the thought.

Smith, to whom the wisdom of Solomon is unknown, looks a little perplexed. His wife has long ago grown beyond him. Her moods and tenses are like the summer wind when it woos, and he had told the literal truth when he had said that he had been “nearly mashed on her” himself. If he had told the whole truth he would have said that he had run away from her influence to “keep from making a fool of himself.” Eminently practical, he imagined that he never indulged in any of old Bill Allen’s barren idealities, and had caught himself tripping in a quarter where such a thing was unexpected.

There was not another woman whom he had ever met that he would have run away from. It was the first thing of the kind, he said to himself, that he had ever “thrown over his shoulder.” But all others had been, and all others would be, simple questions in practical politics—how much he could get. This was something entirely different; something in which he had had no experience—a question of how much he could give. He was wise, so he ran away.

She smiles at his confusion. "Now that you have found her, Billy, what do you propose doing with her?"

"I haven't thought anything about it. What shall I do? What can I do?"

"They are all poor?"

"As church mice."

"You must support her. You must make her just as happy and comfortable as she can be. That's the first thing. I will take charge of the sister. She shall be my expense."

"And you won't object?"

"Why should I, Billy? She is your legal, lawful wife. She has not only a prior claim, but a higher claim. You loved her, and you never loved me. You love her still. When you found her you forgot all about me for hours. Don't deny it. Your color is a confession."

"But," he says, impelled out of all usual caution, he does not understand by what, "I want you to distinctly understand, Belle, that I would not have your little finger ache for such as these; that I am ready to do whatever you think right and proper; but that I will not lose or exchange you for all the woman I ever loved or ever will love. You are worth all the other women in the world put together. There is not one like you, no, not one. I found this out nearly two years ago. I haven't said anything about it to you—it seemed to me an impertinence. I have appreciated the fact more highly than you have any idea of. If I could blot out those first two years, I would be a different man, for I know the barrier they raise up between us; but that is impossible. They have robbed you of all the delight of girlhood and stolen the joys of womanhood that should be just un-

folding. It is the only crime I ever had on my conscience, and lately I have been thinking that it has perhaps been in a measure condoned. Don't suggest anything that will part us, or anything that will come between us."

"You don't mean to say that you prefer me to your boyhood's sweetheart, the woman you love?"

"Yes, I do. As I prefer Frank to all men in the world, so I prefer you to all women."

There was not the slightest doubt of his sincerity, and it certainly pleased her. In fact, she was flattered at the whole affair more than she had any reason to be if she had known the exact truth.

"Why?" It was asked through curiosity, not coquetry.

"I don't know. Honestly, I don't know. Perhaps it's because you have brains; because you read and think of things which never concern me; because you lead a totally different life to mine, and we two make a day and a night together."

"But you used to tell me that you only cared for high-bosomed maids, that unless a woman was—"

"And I don't now," he interrupts. "And I don't suppose I ever will. It's my nature. It was because Jane was my ideal of the perfect woman that I fell in love with her and married her. If she had been squint-eyed, I should not. If she had been thin-shanked, I should not. But you are independent of any question of physical perfection. Such an idea never arises with a thought of you, in any one's mind. You seem singled out from all the other women in the world; to be *sui generis*. You charm by some other means."

"Are you quite sure, Billy, you could not have loved

her if she had been thin-shanked? We will take the squint for granted."

She is amused. She ought not to have been. It was highly indecorous; but she was alone with her husband, and she was only a moral woman, not the "good" woman found in novels only—or perhaps in heaven—never on earth.

"You know I did not even think of you when I spoke." He is distressed, and she laughs softly.

"Never mind, Billy, don't make it worse. The fault is not often incurable in the young. To return to our ewes. Why not put them in Mrs. Lyons' flat in the Thirtieth Street house. It is a little gem of seven rooms, exquisitely furnished, and she wishes to sell the furniture as it stands—everything except her wardrobe. She is going abroad for two or three years, and will sell it at half the cost of refurnishing in a much cheaper way. Everything is in such perfect taste that it will save them trouble and embarrassment."

"But that will be expensive!"

"I do not think it will be expensive enough, if anything. She is your wife. You are not worried for money. Even if you are, save on something else. A man who keeps two wives must expect to pay for the privilege."

"Do you know that you cost me nothing?" he asks, after a moment's pause.

She colors. She has never had occasion to ask him for a dollar, and no question of money has ever been discussed between them. Her allowance has always been more than she wanted, and she has a large sum in the bank, in her own name, subject to her order, from the surplus he has refused to take back.

"When we were married," he continued, "I was at the end of my rope, and financially ruined. Your fortune came just in time to save me. I never used a dollar for myself; I never risked a cent in speculations. It is all locked up in trust funds or real estate, exactly where your mother left it. But the mere possession of it, the fact that I could rob you if I were scamp enough to, gave me credit. Nobody expected me to be honest, and I did not injure myself by encouraging the idea that I was. The credit tided me over the worst part, and I used it for all it was worth afterward. I am worth about one-third what you are, and I owe it all to you. The money to support this house, whatever you spend, comes from your estate; all other expenses, the Rose-dale house and whatever I spend, from mine. You are perfectly right, and I will hereafter have the expenses of this house charged to my account."

"No, you will do nothing of the kind. I never thought that my words could be so taken. You will distress me beyond measure if you do. Such a thought as that I had any property of my own has hardly ever come to me. Let me continue to cost you nothing."

He shakes his head.

"Now that the subject is up, let me say that I have been intending for some time to speak to you about it. I have felt as if it were your house, not mine, and that I might come home some night and find my trunks on the sidewalk and the door locked. A wife need not live with her husband unless she wishes to. Did you know that?"

"And where do I come in? Am I to have a husband who costs me nothing—in fact who supports me? Go to, my uncle. That is not modern marriage. Have I not

equal rights and equal sensitiveness on such a question? But I will be good and yielding, as a dutiful wife ought to be. I will compromise with you. Let us spend our own money as we have been doing, and divide expenses on the house—just as if I were Frank. Please, Billy! Please, Uncle William!”

The last two words produce the desired result. He yields.

“You know that I would let you do anything rather than have you call me that.”

It is a growl, at which she laughs.

“And now that I have reduced my household expenses one-half—a good morning’s work—I will tell you that I propose applying the money to Fanny. I will set her up in some business for which she is fitted. Tell me about her—all you know.”

“She is about your height, rather dark than fair, with particularly bright eyes, and a sweet, refined face. She has some musical talent. She was organist and soprano in the choir—and she was the district-school teacher before marriage.”

Belle muses for a moment. “I think I shall like her.”

“You don’t ask me about Jane.”

“It is not necessary. I can see her.”

“Tell me what you think she is like.”

“She is quite fair. Her hair is brown. She is twenty-eight years old, so she has filled out and is getting stout. She has a twenty-six inch waist, a forty-two inch bust, and a twenty inch shank. At forty she will be a Mullingar heifer—beef to the heels; but at present she is what you have so often described to me as a ‘delicious armful.’ I think she is ten or twenty

pounds heavier than your idea of an angel, and that if she sat on your knee for an hour you would admit it at once."

She has hit the mark as closely as if she had studied Jane for hours. He laughs uneasily.

"But you haven't seen her. How can you tell? Are you a clairvoyant?"

"I know your ideal at sixteen, and what it is at twenty-eight. It is simple enough. All you care for is flesh. You love through your eyes."

He is hurt. "That's not fair. So do poets and sculptors."

"No. They admire through their eyes and love through their intellect. They regard outside beauty only as the casket covering beauty of mind and soul. Their love is kept for what it contains. You admire a beautiful dress on a beautiful woman—particularly when it enhances the beauty that it does not conceal; but hang it upon a spike, put it on a bean pole, and you would laugh. Yet you have made the flesh covering the woman your only worship. You have loved twenty women, but you have never yet been satisfied with any. You have found mere beauty of form—and it has been grossness rather than beauty—a will-o'-the-wisp. You never admit it, but I know it. That's what your constant changes mean. Now you have brains, and I predict this fate for you, Billy. Some time you will meet a thin, lean woman, between thirty-five and fifty, without shape or form; not hideous and not fair, but with beautiful eyes revealing a lovely soul; a woman of intellect. You will worship her. You will become her slave. Your love for her will last the rest of your life. A kiss from her will mean more and be

more highly prized than all the favors combined that you ever received. You will look back with wonder on your past as incomprehensible."

"And what fate will come to you?" There is a curious tone in his voice she does not notice. She is thinking of something.

"I? O, I shall fall in love with some idiot, break my heart, become a woman of high fashion, and set the example of extreme propriety for all the others to follow."

Her words rasp him. "Don't talk like that. It hurts me."

"Don't you think you deserve a little pain for asking such a question? But there's a curious complication you haven't explained. What are you going to do with Mr. Greene? Who is he, and where is he? You didn't bring him with you. Is he to come on later? Is Jane to have two husbands, and are you to have two wives? and shall I have to marry Greene to even up matters? Or must he and I remain as we are? Discuss that unto me."

She leaned back in her easy-chair, her hands behind her head, one slender foot resting on the brass fender.

Smith made no answer for a moment. Then he broke out: "Curse him! he is the fly in the ointment."

She looks at him with a smile in which there is malice. She has kept the sting back until she has had provocation.

"He was a clerk in the village store," he continues. "Two weeks before the trial he went to Rome to make some purchases and pay a mortgage of six hundred dollars. He 'skipped' with the money, and has not been heard from since. That's all I know about

him. His photograph, which I saw, shows the sneak in every line of his face."

"How long has Jane lived with him?"

"Nearly two years."

"And how long did you live with Jane?"

She is merciless.

"Three months."

He is impatient. She asks no more. She lets the inflammation rise.

"Well," he says, "why don't you continue the cross-examination?"

"I didn't suppose you liked it."

"I don't. No witness does. Finish it now and get through with it."

"If he comes back and claims Jane, what will you do?"

"He is welcome to take and keep her," he says savagely.

"Then you object to sharing her with him?"

The question is a careless half-affirmation.

He checks the outburst barely in time, flushes to the hair with shame, for he sees the hidden drift, and does not answer.

A man is never satisfied with a victory. A woman is—and she is a woman to the very nails.

When the stillness has grown oppressive, she asks, "You will have to change your plans for the summer. I intended to start for Chicago to-morrow night, but if you need me, I will stay a few days to help you make Jane comfortable."

"Then stay. I do need you."

"I will not be a killjoy, a—"

"Stop," he interrupts sternly. "Drop that cynicism,

Mabelle, which, thank God, I know is not natural. I taught it to you, to my shame and bitter sorrow. I endeavored to break down the prejudices and traditions that make women shrink from the natural man, to familiarize you with and to cauterize your perceptions of the vices of my sex. You were such a sweet and dainty prude, so horrified at everything, that the temptation came and was irresistible. I have failed, Mabelle. With the child I may have succeeded in holding them in check by main strength, but in the woman, you know that by natural revulsion they have reasserted themselves with stronger force, and that what the natural woman, what under other circumstances even you might have tolerated, you now shrink from with abhorrence. You try to deceive me when you smile at them—and worse than them. Unless you still hate me with the bitter, black hatred that once filled your heart—a hatred for which I honor you—you will never let me hear again such false and untrue words from your lips. I know that your cynicism is but a mask, your complaisance but a cloak which your pride compels you to wear in order that I may be tormented with the thought that I have succeeded in making the Frankenstein monster which my work would have resulted in with any other child. I know that you are a good and noble woman, robbed of the illusions of youth, and saddened by knowledge that never should have been given you. I know that I am unworthy your companionship. When you plunge down to my level, to meet me, it is in scorn and derision—to punish me by showing what I wanted you to be. Never do it again; never! Help me rather to come to you. You shall *not* come down into the mud and filth where I am. You shall *not*, I say.”

She sat and listened, with dry eyes and burning cheeks, looking down at her fingers lacing and interlacing as they lay in her lap. It was a new phase of her husband's character—a revelation as surprising as it was unexpected. She knew that what he had said was true. She knew that she loathed in her mind whatever was untrue to the highest standards of right; that she had given way to many temptations to sin against the traditions of her sex in order to punish him. He had wanted her to be "without prejudice," and she would be, she had said to herself.

"What would you have me be?" The voice is so low he can hardly hear it.

"Yourself. Your own sweet, true, noble self. To me and to the world what you are alone with your own mind. The very gates of Hell could not prevail against the inborn purity and refinement of your nature. Do not wear this mask longer. Drop it before its use becomes natural."

"Is it not too late, Billy, for me to be anything but what in times past you have wished me to be? Is it not too late now to make the change from that which the years have made natural? You mistake, I fear, my powers of resistance to such influences—and it is too late to retrace our steps." Her words are gentle, longing, sad. They chill him to the heart.

"No, Mabelle, your heart tells you not. You have passed through fire and been refined; through temptation and been made strong; through sin and been sanctified. You have learned in a brief month of innocent childhood that knowledge of man's vileness and brutality which comes gradually and by degrees through years of experience to all women. Much knowledge is much

sorrow, but that very sorrow has wrought you a crown, which you wear unconsciously, that commands the respect and admiration of the world. Frank calls you Proserpine, and you are—the queen of rest for the weary and troubled soul.”

She smiles at him—not in return for his compliment, but at the new man.

“Ah! Billy, you forgot that

‘Knowledge is but sorrow’s spy,
It is not safe to know,’

when you loaded down my young soul with a burden which other women carry piece by piece in their strength and age.”

“That is true,” he replies, earnestly, “of all things as well as this; but you have no fear of knowledge, no dread of the sorrow that comes from the truth.

‘From ignorance our comfort flows;
The only wretched are the wise.’

But which do you choose, Mabelle? You are brave and true. You would not exchange the wretchedness of wisdom or the sorrow of knowledge for the bliss of ignorance—except in this one thing. Because as a child you ate of the tree of knowledge of Evil, and sorrow has come, you need not treat it differently from other knowledge. The sorrow may be greater, keener; but not different in kind, only in degree.”

“I have touched pitch, Billy,” she says, gently.

He knows her too well to misunderstand.

“But you have not been defiled,” he replies, earnestly. “When, two years ago, a chance word brought me to a realizing sense of my insanity—you know that for two

years past I have never said a word in your presence, or told you a story, or made a suggestion that would not be proper anywhere, at any time, to the primmest of prudes—my only comfort was that I had failed absolutely.”

“I did not know—I did not dream that you had—changed. I have been much happier the past two years. But I thought the reason why you kept more knowledge from me was because there was nothing new that was—vile—to tell me.”

The words are not meant as a reproach; but they are a reproach the bitterness of which will last him for many a day.

“Can you not forgive me for what I have made you suffer?” he asks, when he can command himself.

“No, Billy, I cannot.” The answer is soft and low and kind; but honest.

“Then you have suffered keenly, Mabelle?”

“Torture—an hundred times. Torture at each time and when I recalled any one. Agony when I thought what it meant.”

“*Met’ agona stephanos*,” he murmurs to himself. “My poor child, your crown has come as all crowns must come; yet I would have you a simple innocent child if we could live our lives over.”

“But we cannot, Billy; we must take up the thread of life and reel it off. We cannot rewind it. It may be that it has all been for the best. What you have said is true. I was thinking last night that I would like to be a maiden, knowing nothing of men except that they were; nothing of lovers except that somewhere in the world there was one riding to me; love and marriage and life a heap of shining clouds around me, into which

I could not see ; my heart filled with vague, unformed, and unforming delight—at what I could not even imagine. Then the face and figure of a man grew from the mists and took form and shape. It was Sorrow's spy. His face was that of the Shining One, and his gentle eyes, filled with love, seemed to read down into my very soul. In the sighing of the wind, I seemed to hear him say : 'I am Truth, my beloved. Those that find me have peace and rest for evermore. Thou hast sought me on the hills of Lebanon, and in the valleys that lie beyond the river ; but now I am come to thee and my heart is thine. Here on my breast shalt thou lie through life, and through Sheol will I carry thee to the city that is built upon the everlasting hills.' Then he opened his arms, and they closed upon me, and a great light came that seemed around and about and on every side."

Her voice died away until it was barely audible.

Had "one of the boys" of the William Smith Association of the Ninth Ward casually opened the door, he would have closed it softly. He would not have recognized the "boss" in the man standing beside that chair, looking down at the drooping head bowed upon the soft cushion.

Nor did she, as she looked into the eyes of the man kneeling beside her and holding both her hands in his.

"And in your waking dreams, Mabelle, when Ignorance with its happiness, and Knowledge with its sorrow, were offered to chose from, you chose Sorrow rather than Happiness."

"Yes, Billy. I knew then why He was called the 'Man of Sorrows.' I knew then that God was

Truth, and Truth was Love, and Love was Knowledge, and Knowledge was Sorrow. In choosing Sorrow, I chose Him. My bridegroom came, Billy, and he was the Comforter—the spirit of Love, the Truth.”

He kisses her fingers with a reverence that makes her shy. It takes an effort on her part to look him in the face, and she sees something there that brings a soft color to her cheek—something she has never seen before in the six years of their married life. It fills her with a gentle confusion, for if adoration was ever shown on the face of man it is on his.

“But, Billy, this is not what we are here for. Let us come down from the clouds of philosophy and poetry, which you dislike so much——”

“That all depends, I discovered some time ago, Mabelle, upon who takes me there.”

“Don’t compliment me, Billy. The next thing will be——” she stops and blushes.

“What?” he asks.

“Love-making, and that would be ridiculous.”

It doesn’t seem the least bit ridiculous to him, and the pain is sharp.

“Why should it be ridiculous?”

“I am not thin enough nor old enough for the love I hope will sometime fill your heart, Billy, for the beauty that is of the intellect; and too thin, I am glad to know, for any other love—for such love as pleases you now.”

It is his turn to crimson. He can make no reply.

“If I put off my journey to Chicago, what do you wish me to do? What shall you do about your yachting cruise?”

“Give it up. Will you make a sacrifice which I have

no right to ask? Will you remain with me this summer, go where I go, stay where I stay, and stick 'closer than a brother'? I will, of course, conform in all things as closely to your wishes and preferences as possible. You can trust me in that."

It is a sudden resolution that forms in his mind. He is quick-brained, and his staying powers are proverbial among the sachems.

"Have you a strong reason for this?"

"Yes. And more than one."

"Then I will. But—you must not ask me—" her cheeks crimson with shame. There is the sensation of a dozen needles pricking her cheeks. Her downcast eyes see nothing. Her words fail. But he understands.

There is silence for a minute. Then a drop falls upon her hand. As she looks up, her husband turns his back and walks across the room. When he comes back, his face is once more under command.

She has her answer—and it fully satisfies her.

"Does Jane know you have a second wife?" she asks presently.

"Yes, but not when we were married or that you are my niece. It is not necessary to enlighten her, unless you desire it particularly."

"Do you want me to call on her?"

"With me, yes; alone, no. If she calls on you—and it is her place to do so—receive her or not, as you like,"

"Will you see Mrs Lyons about that flat to day?"

"This afternoon, after luncheon. Will you begin to-day your partnership by coming with me? I will need you."

She lays her hand in his, and wonders why it trembles so. He holds hers firmly.

“This partnership continues—”

“Until mutually dissolved, or until one is dissatisfied and asks for an accounting. Is that the legal way of putting it?”

“Yes. Will you explain this snarl to Gypsy?”

“Is it necessary for her to know?”

“She will find it out. She might as well understand the exact bald facts. She will be sure to find them out. The truth will do her no harm. *It is the law.*”

CHAPTER VI.

Where there is no counsel, purposes are disappointed.

Prov. xv. 22.

THERE are of course abnormal men and women—physical “freaks” like the bearded woman and the nursing man, and moral “freaks” like the truly good man and the perfectly pure woman—but the vast majority are made upon one loom and from the same materials. The weft is Evil and the warp is Righteousness. Whoever turns his eyes inward upon himself finds what St. Paul found, a law in his members warring against the law of his mind, so that when he would do good, evil is present with him, and when he would do evil, good stands beside it and closely joined.

Since the day when Truth took a bath and had her clothing stolen, the world has been ashamed of her—in the daytime. At night she may come forth from the well in which she took refuge, and in the darkness the individual will listen to her voice and pay her reverential worship. But he who bows down before her alone at midnight will run like a hare if there is a possibility that some other worshipper may recognize him, and he will be the first to cast a stone at her if she but lifts her head above the kerb after sunrise.

At night, alone with Truth, every man will admit that there is none righteous, no, not one; and if he has wisdom he will add, and none evil, no, not one. But in the daytime he stands in the marketplace and proclaims that

the world is divided into the good and the bad ; into sheep and goats, and that there is a great gulf between them. He calls down blessings upon the teachers who instruct the young that the good are always good and the evil always evil ; anathema upon those who preach concord between Christ and Belial.

The warp and woof of Evil and Righteousness are so closely woven in all except moral freaks for moral museums, that one cannot tell from one moment to the other whether he will be swayed by the law of his members or the law of his mind. So evenly are the two constantly working, so perfect the adjustment and compensation, that the generous man will be a thief, the prudent a traitor, the sweet-tempered unjust. The wife alone knows how hard and cruel the model husband may be to his children ; the children, how mean and despicable the model father may be to his wife. And there is no persistence and continuance in any one course. The thread is always broken somewhere, and sometimes broken often. The generous man will be mean, the prudent rash, the sweet-tempered sour. And when the break in the thread comes, none can be so mean as he who is naturally generous ; none so rash as he who is ordinarily prudent ; none so virtuous as he who has been long evil ; none so vile as he who has lived long in righteousness.

The man whose evil ways are not generally known is called good. The man whose good ways are not known (and whose evil ways are) is called bad. There is no other test applied except that of publicity, and the words have no other meaning. The evil ways are alike of the bad and the good ; the righteous ways are alike of the good and bad.

Whether William Smith was a " good " man or a " bad "

man does not matter. The answer would have depended—as it does in every case, whether asked of a saint in crape or a devil on two sticks—upon the degree of intimacy with his personal affairs enjoyed by the one who made it. The truly wise man who had never before heard of him would have promptly answered “both,” and he alone would have been right.

That William Smith was a natural and ordinary man, without one strong characteristic differentiating him from any other man, is a very important matter. A man always acts in precisely the same way under the same circumstances; but the same circumstances never happen twice in any one man’s life. They may seem to, but there is always a shade of difference—if not in them, in the man himself. Two men will never act in the same way under the same circumstances, because no two men are alike, and the same circumstance combined with them will produce different effects; but if they are human men and not freaks they will act in accordance with whichever law happens to be uppermost at the time—the law of the members or the law of the mind. If one kicks the bootblack and gives the newsboy a nickel, the probabilities are that the other will give the former the nickel and the latter the kick.

What the moral “freak,” who is truly good or truly evil all the days of his life, may do or leave undone is not worth recording. His conduct has no value to humnity. It can have no proper or legitimate interest for the healthy mind. It is the action of a moral monstrosity not common enough to have any influence upon or to be a factor in society—from which no useful lesson may be drawn. Morbid curiosity alone seeks to pry into the private life of the bearded woman and the man with

udders ; and morbid curiosity alone pries into the action of such moral phenomena as "good" men or "pure" women. Unhealthy minds alone are interested in what may be discovered.

It is because no one—not even Smith himself—could actually foretell what he would do under given circumstances ; because his action would depend entirely upon the state of mind, and that again upon some unknown and unobservable trifle, that any interest attaches to what he did. And this uncertainty as to whether any human action will be wise or unwise, proper or improper, evil or righteous, is the only reason why legitimate interest may be taken in it.

If the wise were always wise, the chaste always chaste, the honest always honest, there would be no more healthy curiosity about their action than there is in the motion of a horse in a cider press, or the walking beam of a steamer ; and no more interest in reading about them than there is in reading about lines and angles in geometry.

Smith had had no intention of telling Mabelle anything. A chance tone of voice had brought him under the law of the mind, and he had told the whole truth. For years the thread of indulgence in one evil thing had run through his life, and in a moment it had broken by a sudden and accidental strain. Whether the other end would ever be found again was a question of the dim and distant future. For the present, in its place he held by pure accident the next thread of Righteousness. His course of action had been mapped out so far as he could foresee, his whole treatment of the situation had been determined, by a drooping eyelid and a faint flush.

For years he had surrendered himself entirely to the law of his members, and he had paid little or no attention to any other. If he had obeyed the other law, the obedience had been unconscious. For half an hour or more he had been incomplete, voluntary, and willing subjection to the law of his mind, and it seemed as if a new life had come to him. It was certainly a refreshing change.

The whole morning had been spent in the explanation, and in rearranging their plans for the summer. He had explained exactly what he desired doing; and although she could see no reason for what he proposed, and he volunteered none, she had acquiesced.

Gypsy, whose baptismal name had been an abhorred Mary Ann, had knocked twice without receiving attention, and was on her dignity when the luncheon bell, rung for the second time, brought them to the dining-room.

"Where did you go?" Mabelle asks.

"To the park."

"Did you not take too long a walk?"

"For Chump? You need not feel worried on his account. I carried him part of the way."

Mabelle detests the dog, and would be glad to see it in a catcher's wagon. She takes no notice of the scratch.

"Did you meet anyone you knew?"

"There's no one in town that I am interested in.

Mabelle looks at Smith. The same thought has come to both—perhaps because for the first time in their lives they are thoroughly *en rapport*. The half smile on his lip is bass to the treble of dancing mischief in her eyes.

"May I 'paralyze' her?" she asks, *sotto voce*.

"If you can," he replies, doubtfully.

"Your sister-in-law is in town. Billy brought her last night from Watertown. Would you not like to meet her, Gypsy?"

"Did I ever have any other brother except you, Billy? A little more salad, please, Mabelle."

"None that lived."

"Then she is your wife. I suppose, Belle, I shall have to do the duty act and call, if you insist. Needs must when you or Billy drives."

Smith laughs at Mabelle's complete discomfiture.

"Have you no curiosity on the subject? Is it so common for a man to have two legal wives?"

"No, but divorces are common enough. Married men are divorced and remarried every day. Haven't you taken the trouble to get a divorce from Mabelle?"

"No," he replies, very shortly.

"Have you turned Mormon, then? I don't know what your views are, Mabelle; but, in your place, I think I should object to such conduct. She cannot be perfectly proper to marry you, Billy, without a divorce from Mabelle, and I am sure I shall not like her."

"Billy married her twelve years ago, and lost her soon after," Mabelle explains. "After searching for her for five years, without finding her, he was free to marry again; but he procured a divorce in another state on the ground of desertion, before he married me. He found her yesterday. The law of this state does not recognize the divorce from her, and makes both marriages legal and binding, but I can have our marriage brought to an end at any date, by petitioning a

court.* We remain lawful husband and wife until I do."

"Don't do it, Mabelle, please don't!" She is aroused and interested at last.

"Why not?"

Smith looks down at his plate and silently asks himself the question. He knows that his fate is in her hands, that his divorce would have no weight with a first wife living, and that any court would grant her petition instantly and without question. If his one first wife had been a dozen he would willingly have given them all in exchange for six months' delay in which to make atonement for the six years.

"Can you ask such a question, Mabelle? Now we are sisters-in-law, and then you would be my niece and I would be your aunt Mary Ann!"

The condensed, nay, solid horror with which she says it is too much for both.

"I do not see what you are laughing at."

"I am sure we beg your pardon," said Smith. "My

* The appearance of the first wife on the scene changes the situation materially. Now the innocent third party is entitled to relief, if she desires it, and the court is bound at her application to terminate the second marriage contract upon a given date. But it is not to the interest of the second wife to have the second contract cancelled. She loses all dower rights and support, not to mention the social disabilities flowing from a cancellation of the marriage, which is misunderstood by every one except lawyers. If she could get a divorce, she would be justified in the eyes of the world. A marriage that has been cancelled is considered socially as a reproach, and the relations under it as little different from adulterous; while a marriage ended by divorce "must have been proper" while it lasted. The second wife is denied the divorce, and naturally shrinks from sacrificing her pecuniary interests and social position by asking for a dissolution of a perfectly lawful and reputable marriage. Neither of the other two may ask it.

dear Mabelle, before you proceed to extreme measures, I trust that you will carefully consider the feelings of my sister."

"You may plead for yourself, William," Gypsy replies, thoroughly angry. "You will need all your words, let me tell you, without wasting any for me. I am not blind, nor a fool. For six months past you have been head over heels in love with Mabelle; and no overgrown schoolboy ever made such a ninny of himself as you have, trying to hide it. Every book Mabelle said she liked you have sneaked out of the library and carried off to read. You spent the whole evening before you went away pretending to read a novel, and never turned a page, just watching her; and you carried off the book she was reading; when I know you hate poetry. She will be a fool if she don't get her freedom and marry Dick Jones, or some one near her own age. You will be worse off than I if she does, and you know it."

Smith had had a fairly wide experience with political conventions, but this was the worst hornet's nest he had ever stirred up. He watches his wife's face with keen anxiety, but it does not change, and a faint smile comes to his lips.

"Thank you, Mary Ann, for your candor. It is a virtue—sometimes. When it is not, it is a nuisance."

He might have said more if the return of the waitress to the room had not put a sudden end to confidential conversation.

"Gypsy, I promised yesterday to make you a present of that garnet set you admired so much. I was just thinking that it will match perfectly the dress Mrs. Tabor is to send home this afternoon, and the two should go

together. Billy and I are going out to call on Mrs. Lyons, and if you will not mind going down for it I would like to have you wear both at dinner to-night, for Billy to see them."

"Mabelle, you are an angel!"

Gypsy has one weak point—jewels and dress.

"I am an artist, dear; and the dress needs just that touch to make it perfect. Something has always been lacking, and what it was came by inspiration. You cannot imagine, Billy, the thought I have put upon it. I made six sketches in color before I got the idea to suit me. I spent two days hunting the material in the exact shade, and I made over a dozen drawings to scale before I trusted Mrs. Tabor with the stuff. If it is not a success I shall be grievously disappointed. You must admire it anyway."

"As it will not be on a spike or a beanpole, I will have no difficulty in doing so. You hold Heine's threat over me, I suppose :

'But if you fail my dress to praise,
I'll be divorced on the morrow.'"

Certainly her husband is developing an entirely new phase of character. She blushes and smiles, remembering her words.

"That would merely exchange an indulgent husband for a crabbed uncle and guardian. You are easier to manage as you are. I shall punish you in some worse way."

"What way? How?"

"I will tell you in advance. Enlarge every button-hole in your shirts so that the studs will come out by the time you get down-town. Your collar will saw your

neck all day, for no man ever had sense enough to buy a new shirt. He looks for what are not made—larger collar buttons.”

“And could you do anything so diabolical as that? It is the thought of a fiend—a punishment for a long life of wickedness—not for one sin of omission.”

“Yes, and worse. But go, change your shirt and put on another coat if we are to call on Mrs. Lyons. Come up to my room, Gypsy.”

Everything is satisfactorily arranged with Mrs. Lyons in a very few minutes, including possession the next day. When they leave, Mabelle turns to him:

“It is only three o’clock. Let us call on Jane. She will want to buy an outfit, and she won’t know where to go. Did you leave her enough money?”

“I never thought—I didn’t leave her any; and I haven’t over fifty or sixty dollars with me.”

“So very like a man,” she said; “I thought you might be temporarily embarrassed; so I put up \$300 in one roll and \$150 in another. Give one to Jane and the other to Fanny. They will need as much more to-morrow. They must not disgrace you. We can have dresses sent to the hotel this afternoon for them to wear at the dinner-table to-night.”

When Mrs Smith-Greene enters the long, dark parlor of the Grand Union to receive Mr. and Mrs. Smith, it is with a rapidly beating heart. Ordinarily she is very phlegmatic. It takes a good deal to move her. But now she is ill at ease and lacking in confidence. She expects a scene with a woman like herself—and more, a woman of the world, whom she fears because she is an unknown creature.

A slender, graceful girl comes forward with out-

stretched hand and sweet half-hesitating manner that is irresistibly winning. The voice is sympathetic and sincere.

"How tired you must be this warm day, cooped up here! Will not you and your sister come shopping with me? You came away so hastily that you must have forgotten lots of things. I know the best places and just where to get whatever you want. It is warm out, but it will rest you if you will come."

"It is awful warm here, and I am dying for a breath of air. Are you——" She hesitates.

"Yes, I am Mrs. Smith II. Doesn't it sound odd? One might as well be in Utah. And this is Fanny?"

She turns to Mrs. Robinson, who has shaken hands with Smith. "You and I must be the best of friends. Frank Brooks told me last summer of his first and only flirtation—but he did not tell me that Billy was with him." The latter sentence is to Jane. It is not the words but the manner that puts both the women at their ease. Mrs. Smith-Greene's apprehensions vanish.

She has nothing to fear from this slip of a girl. She can put her in her proper place, she thinks, at any time. There she blundered.

"That was not right. He should have warned you. I am very sorry that he did not."

"You forget, dear, that friends seldom tell wives of their husbands' early love affairs; and Billy has had so many he has told me of himself that one more or less that he may have forgotten could not matter."

The sweet half-laugh robbed the words of any particular sting, but Jane is quick to see and to resent that it is no unformed girl who is talking to her.

"Put on your bonnet, Jane," Smith says, "and let us go. I know to my sorrow what shopping means."

The elevated and an Eighteenth street car carry them to Arnold's. Fanny has taken instantly to Mabelle, and the two keep together, leaving Jane to Smith, that he may explain to her about the flat.

The question is dress and the two women discuss it, Fanny frankly telling what they have.

"You will only need two dresses to-day, one for dinner and one for the street. Others you can get at any time."

"Yours is a street dress," Fanny says, a little wistfully. "Could one like that be bought ready-made?"

"Why? do you like it?"

"It is lovely. It makes you look like a picture."

Mabelle laughs. "I design all my own dresses, and I am proud of some of them. This only cost \$45 for labor and material. But it cost many hours of hard work with peneil and brush before it was completed."

She might truthfully have added that hundreds of women would gladly have paid her \$100 for similar "work" on one for themselves.

"Now I know why it looks so lovely. It was made for you alone. It would lose its charm on any one else."

"That seems to me the secret of a perfect dress. It must be a part of the individuality of the wearer—just the same as her hair; it must suggest the face, even, if the latter should be averted. Such dresses can never be bought. You will see some to-day worth \$300 or more; but not one in which I would look so well as in this."

"But would you not like to have a *very* costly dress? I should, I think, even if I did not look so well in it as in a cheaper."

This is truth. Mabelle likes her for it, and nods her approbation—not of the sentiment, but of the honesty it shows.

“Wait till you see the walking dress I have been planning for you ever since we left Thirty-Fourth Street station. It’s to be in two shades; the body the color of your eyes, the trimming that of your hair. It is to be—No, wait till you see it! Then tell me you prefer one that costs more, if you can.”

“Will you design one for me alone? One that will be all mine?”

Mabelle understands the full significance of the simple words—the ungratified longing of a life that they reveal.

“Not one, but many, I hope, Fanny, if you are satisfied with your dressmaker. Let us first see what I can do. You have a perfect form, and that ought to inspire me. Few women have, you know; and the chief problem in designing is to remedy the defects by suggesting what is not.”

“Jane is expert with her needle, and a fairly good dressmaker. She has always made my dresses; but of course they were from fashion plates.”

“You and your sister have always lived together, have you not?”

“Yes, with the exception of the year when I first took charge of the Tipton school. I was left all alone when she went to Indiana.”

“How old were you then?”

“Seventeen. Mother and father died within a few months of one another—father in September and mother in November, 1878. I got the school the next March. Aunt Jane was living in Sabine, Indiana, and she sent

for Jane. She went there in February and stayed till December, nursing aunt. She was what is called 'very near,' and Jane quarrelled with her and came back to Tipton. I was very glad to get her back, and since then we have always lived together or within a stone's-throw. We quarrel sometimes, but it's only for an hour. We have both bad tempers, but we love one another."

Mabelle has hardly been listening to the last sentence. There is a strange light in her eye, and an odd little smile on her lips as she looks at Smith and Jane. Her lips compress, she straightens up, and the keen observer would have known that she had formed a sudden resolution which was of more than ordinary importance. It was several minutes before she was herself again and once more talking freely.

In the bobtail Smith makes an opportunity to say: "Jane wants a walking dress as nearly like yours as possible. Can she get one under two hundred?"

The slight gesture of dissent he understands. It is not a question of price, but of fitness. Her dress suggests shape; Jane's should hide it.

"What shall I do?" he asks, in an undertone.

"Tell her, when she is selecting one, that mine cost only \$45, and advise her to buy one that costs \$75," she replies sagely.

He does, and smiles to himself at the effect.

When, at 8 p. m., the two women go to the dining-room arrayed in their new duds,* Jane studies her sister carefully.

* Scotch, "duddies;" English, "dudes;" American, "duds."

"She coost her duddies to the wark,
And linket at it in her sark."

"I don't understand it, Fan. My dress cost three times what yours did, and doesn't look half so well. I believe that forewoman swindled me, and I'll let her know it."

"Mabelle chose mine."

Fanny understands that her sister's dress is too heavily ornamented, for she has learned her first lesson of art in dress from Mabelle's bright comments on those they have seen.

"Yes. They knew her and didn't dare cheat her. I was a stranger and they took me in." Evidently she had not enjoyed her shopping.

Fanny had. It had been the pleasantest two hours she could remember. She is wiser than her sister, and is silent.

Later in the evening Smith, Mabelle, and Gypsy are sitting in the Casino summer garden, listening to the concert.

"What do you think of them?" he asks.

It is the first allusion he has made to the afternoon's experience. Gypsy is talking to an acquaintance, absorbed in a story.

"I shall like Fanny. She is as honest as the sun."

"And Jane?"

"She is fully twenty pounds too heavy. She should lace and train down."

"Her dresses were wonderful; her bonnets marvellous. Few women could boast such duds."

Thackeray.

"Why should you say that, Samanthy? My duds are as good as hers, if I haven't had a new stitch to my back in over two years."

Cobb.

"DUDE; the personification of clothing—clothes and nothing else."

The Dictionary (next edition).

"Bother her flesh! You know that's not what I mean."

"She is a very fine-looking woman. I think you showed good taste."

He is too wise to press her further, but he is discontented.

"Two wives are one too many," he says, after a while.

Mabelle laughs softly. She knows that the remark has no reference to her.

"For either he will hate the one and love the other," she says it half to herself. "It is the natural timidity at a new and strange thing, Billy. You will get accustomed to it in time. Think how many of your friends have two or more wives. Besides, it is better than—the other."

"That reproach has not been needed since you left school two years ago; but it is just, I suppose," he replies absently. There is not the faintest attempt at excuse or apology.

She looks at him in astonishment and colors. This then was the reason for the change in conduct to which he had alluded in their morning conversation. There was nothing to tell her. The compliment is the greatest she had ever received, fourfold greater for its utter unconsciousness, and she asks involuntarily, "Is that true?"

"The objective order of the phenomena is in accordance with the subjective order of thought, if that's what you mean. I suppose that it has been from lack of opportunity or strong enough temptation. I don't know any other reason. The fact just occurred to me, so it's not because I am become pious."

If he doesn't know the reason, she does. She is just

beginning to learn a new phase of her husband's character. It makes her proud and humble.

"Don't be cynical. If I lay aside my mask, you must do the same."

"Do you believe there is in me one good thing?"

"Many. But in this respect I did not until this morning. Now my eyes are opening. Don't be ashamed, Billy, of letting me see something of the other side. Give me pleasure when you can."

He blushes like a school-boy, and is about to reply without thought of what he is saying, when Gypsy joins them, loaded to the teeth.

"Mabelle, Nellie Brown was married last week to that man she has been corresponding with, and when her father found it out he had him arrested and he is in prison now. Mamie says that Nellie is to be sent to the convent, and that her uncle says he will have her husband sent to prison for five years, for marrying her."

Gypsy is not strong with her pronouns—but she is understood.

"Why, how can that be? Nellie is eighteen or nineteen."

"No, only sixteen. Her birthday is on the Fourth. Everyone thought she was eighteen."

"Do you know the date they were married?" Smith asks.

"Yes, it was the third.

"Then it is all right. Her father will get into trouble and have to pay enough damages to support them for two or three years. False arrest is no joke, and he probably swore she was under sixteen—and that is perjury."

"Why, how is that? Sixteen is the age up to which a

parent or guardian has property rights in a daughter or ward, and she was not sixteen by a day,"

"That's the law, Mabelle, but it is also the law that a man or woman is of age the day before the birthday. She was full sixteen years old the last second of the last day of her sixteenth year which ends at midnight. Now the law takes no account of fractions of a day, so that she was sixteen at any hour on the 3d, the last legal day of her sixteenth year, and it was not grand larceny to steal her on and after that date. It would have been if the marriage had been the day before. Her father's remedy is a civil action for damages for loss of service for the five years between then and the time she comes of age. She ceased to be his private and personal property, July 3."

"She's of age at eighteen," Gypsy says.

"Who told you so? She's of age at twenty-one, and not an hour before. That superstition about a girl being of age at eighteen is one of the most singular I ever met. I never could find out its origin." The latter remark is to Mabelle.

"Then Mr. Brown cannot have the marriage dissolved?"

"No marriage can be dissolved—annulled is the right word, Sis—where the girl is over fourteen,* and only in a very few cases can the courts interfere where she is over twelve.† The age of legal marriage is twelve for the girl and fourteen for the boy. But if a girl under sixteen marries without her parent's consent, the husband may be sent to the state prison for grand larceny,

§ 1744 Code of Civil Procedure, since changed to sixteen.
For the three cases see note, *ante*.

having stolen the parent's property—the daughter.* After that age he does not own her, but only has a five years' interest in her, the same as a widow has in her husband's real estate. Those proceedings do not affect the marriage, which holds good in all cases. The man is not punished for marrying the girl, but for stealing the father's spoons or watch or daughter or other property. The governor usually pardons him after a year, and then the two go to housekeeping. Sometimes he gets five years."†

"It's simply abominable! And I can't be married before I am sixteen, except with your consent, without having my husband sent to prison for stealing your property? I am your property until then, am I? I have a good mind to get married before the year is out."

"Don't, Gypsy. You would hit your head against a stone-wall. *It is the law.*"

* § 282 Criminal Code.

† But if the girl is over sixteen the marriage cannot be voided, and she must remain his wife. In 1886, the marriage could not be voided if the girl was 14, but the law has since been changed.

CHAPTER VII.

For the good man is not at home,
He is gone a long journey :
He hath taken a bag of money with him.

Prov. VII. 19.

Two weeks later Mrs. Smith-Greene and her sister Fanny are sitting on the cool verandah of a small cottage at Long Branch. The breeze from the ocean is a delight to Fanny, and she leans back in the rocker, watching the vessels passing, in delicious content. Mrs. Smith-Greene has laid down her novel. She cannot get interested in it, although the fault is not in the book. Suddenly she says :

"I will not stand it. I am an injured woman. I will not be bought off in this way."

"I don't understand you," Fanny says, bringing her eyes reluctantly from the blue waves and white scurrying clouds to rest on her sister's face. Its expression does not improve it.

"Do you mean to say that you think William is treating me right?"

"I don't know, of course ; but it seems to me that he is everything kind and gentle and good."

"Am I his wife, or am I not?"

"You are his wife, Jane, or we should not be here. What is the matter?"

"It is just this, that I won't be neglected in this manner."

"He has given you the most lovely home I ever saw in my life, Jenny; a little paradise. And he has hired this house for us for the summer. I do not understand—"

"Yes, he has put me, his lawful wife, on the third flat of an apartment house, while he lives with that woman in a whole house by himself. He has run me down here alone, where I know nobody, that he may go off with her to Saratoga or Newport. He allows me \$150 per month and spends ten times that on himself and her. I won't stand it. It is disgraceful. No man has a right to treat his wife like that."

"But she is his lawful wife, Jenny."

"You ought to be ashamed of yourself to talk that way to me, your sister. Was he not married to me before she was married to him? Am I not the lawful wife? This is not Utah. It is nonsense to say a man may have two wives. He has one wife. You can call the other what you please. If she was not a brazen baggage she would never have lived with him a day after he found me. She would have been glad to crawl to some place where no one knew her and hide her shame from the world. Instead of doing that, as any decent woman would, she coaxes him and wheedles him into staying with her, and as she is his latest, and young and tender, she keeps him, when his place is here, by me—here, by me, do you understand? He had no right to leave me for an hour, and he has never spoken to me alone since we arrived in New York."

Fanny seldom contradicts her sister. She manages her differently. But "brazen" and "baggage" are too much.

"Are you Robert Greene's wife or only his kept-

woman? You want two lawful husbands and deny Mabelle one."

Jane stands up and comes over to her sister, her face flushing and paling with anger.

"I would hit you if I had anything handy. I will smack your face if ever you repeat such a thing. She has bought you for a \$50 dress. She did it deliberately. O, she's artful and deep, if she is a 'sweet-voiced innocent thing'! She wheedles my husband away from me and buys my sister! I must be turned out in the cold, and she won't be satisfied till I am."

Fanny has had so wide an experience with her sister's temper that she does not get angry. She is merely pained—a very little. When the gust is over she returns to the raw spot, but deliberately this time.

"Have you two lawful husbands or one, Jenny? Let me understand clearly."

"That's an entirely different matter. It has nothing to do with the ease. I had a perfect right to marry him if I chose; but I gave Robert up when Willie came, and he should have given her up."

"It seems to me that Robert had given you up some weeks before."

Her sister's anger blazes up again.

"Don't you dare talk to me like that, Fanny. I did not commit bigamy, and I am not a fugitive from justice."

The family temper is in Fanny, but it is under better control. She is finer grained and better bred. She has had more schooling and has improved her opportunities better. But she turns to her sister now with her bright brown eyes gleaming and her lips tightly compressed.

"If I married twice, it was the same man," she said

slowly. "One man did not live with me one day, and another man the next. It seems to me you have no sense of shame. I will let my neck get cold from one man's arm before it is warmed by another. Be quiet, Jane! I shall not quarrel with you. If you wish me to leave you, I will go this afternoon. But if you wish me to stay, you must control your tongue. I have put up with a great deal from you, and you only get worse. I will put up with no more. You may choose between your temper and your sister."

Mrs. Smith-Green's brooding and passion have brought her to the verge of tears.

"If you cared for me, Fanny, you would sympathize with me; but you only want an excuse to go and live with her. She would be very glad to get you."

Fanny smiles. "Don't be a fool, Jenny. What's the matter with you any way?"

"I want my rights as a wife. I want him to live with me. I want him to put her away. What right had she to sit at the head of his table and entertain me? It was my place, not hers. He may give her the flat, but he shall give me the house, and he shall live with me, not her. If he don't, I will make it hot for him." She is in tears now.

"Stop crying and listen to me. Don't you know that house belongs to her? Don't you know the house we live in belongs to her? Don't you know that your rent—which would be \$900 a year—is given you by her, not him? Don't you know that she is his niece, and he is her guardian and the manager of her property? Don't you know he is probably spending all the money he has of his own on you—and part of hers perhaps? Don't you—"

"I don't believe one word of it. She has been filling you with lies."

"You are very rude, Jane. She never said a word to me. Gypsy was showing me her elder sister's picture, and asked me if I thought Mabelle looked like her mother; and when I did not understand how her and Willie's sister could be Mabelle's mother, she explained to me. They have been married six years—I saw the record. Mabelle's a very rich woman, but Willie is not rich. I heard the elevator boy tell a gentleman that the flats on our floor were \$900 a year—they had been \$1,000. If you should live with him, Mabelle would have to live with you, for he is her guardian and the property is hers."

"No, she wouldn't. I would send her to boarding-school till she was twenty-one. What you say makes it only worse. There's no excuse for him. He has entire control of the property, if he is her guardian, and can do just what he likes with it. He can give me all he wishes. The point is, he don't want to. But I will make him—or he will be sorry."

"Don't do anything rash, Jane." You are very unjust and very unfair. He is not a man to be threatened, and if you act while you are angry you will certainly regret it."

"I will take care of my own business."

"Put on your bonnet and come down to the beach. Try and distract your attention."

"I feel better already. I am glad I have had it out."

"You were so bad, that is not saying much. I hope the improvement will continue for some time."

Returning, they walk along behind a very loving pair for whom the narrow plank is all too wide. Something

about the man's back attracts Jane's attention—and Fanny's also. It seems familiar to her. Looking at Jane's face she sees it set and white with anger.

The two gates are close together—gates are set in pairs along this avenue—and Jane stands rigid by hers without attempting to open it.

The woman in front of them passes through, the man remains outside. There is a murmur of voices, then a man says distinctly, "I'll be back in a few minutes. I want to get a few cigars."

There is no mistake about it. He kisses her, there in the public street, and she scuttles to the piazza and blows him a kiss in return.

He turns back, takes two steps with his eyes on the boards, and halts suddenly, looking up.

Jane stands directly in front of him and puts her hand on his shoulder.

"Robert Greene, what are you doing here with that woman? Who is she?"

"My Gosh! Jane!" He is so near to fainting that Fanny pities him.

"I'll 'my gosh' you if you don't tell me. Who is she, I say?"

"She's only—a little girl—I picked up on the beach. I'll come back in a minute. Say, Jane, let me go now. I swear I will—"

He recovers his breath, twists free, and runs like a river in Thrace, leaving Jane to admire his glancing soles. She controls the impulse to chase him. He is too fleet-footed to be caught by her. She is no Harpalyce.

"The wretch! The villain!" she exclaims passionately. "Wait till you come back, and you will wish

you had never been born—you and your trollops you pick up on the beach.”

This latter remark is directed to the next house, but the “trollop” does not hear it, having gone in and missed the fun. But a gentleman, swinging in a hammock strung from the gate-post to the division fence, has seen the whole comedy from start to finish, and he laughs till his sides ache.

“Say it again, Jane, say it again!” he calls out. And a roar of laughter follows, that drives the two women into their house.

“O, Jane, how could you make such a scene?” Fanny is mortified and distressed beyond measure.

“Why shouldn’t I?” Ought I to let him desert me, shame me, disgrace me in the way he has, and not make a scene? I’ll tear that woman’s eyes out if I meet her. The wretch!”

“But Jane—”

Don’t talk to me! I won’t stand it. To think how I have worked for that man for two years past! worked for him, slaved for him; and starved for him, and this is my return! This is all the thanks I get! He takes the \$60 I have saved, fifty cents at a time—the money I made stitching on overalls—and steals \$600 more to come here for a grand spree with vile women on my hard-earned money. You wait till I get my hands on him once more. He won’t get away from me again.”

“Are you crazy, Jane?”

“Crazy? It is you that are crazy. Isn’t he my husband, Robert Greene, whom I married two years ago? Didn’t I see him and hear him kiss that trollop? Picked her up on the beach, did he? Wait till I pick *him* up on the beach!”

Fanny laughs nervously. She is amused at her sister, but she is shocked also.

"But you seem to forget all about Willie. If you—"

"That has nothing to do with this case. The judge explained it all to me. What passes between Willie and me is none of Robert's business. What passes between Robert and me is none of Willie's business. I am Willie's lawful wife, and Robert is my lawful husband. He remains my lawful husband until death, or until he has the marriage annulled. Neither Willie nor I can ask to have my second marriage annulled. It must stand as long as Robert likes, and he alone has a right to have it set aside. But until he does he shall not pick up vile women on the beach, and I will have a divorce from him for this day's work. Don't answer me, Fanny; it is the law."*

"That is all rubbish, Jane. It may be the law, but you cannot live with two husbands† even if you want to."

"It doesn't seem to me that I have even one," the other returns wrathfully. "My lawful marriages with two men and your bigamy with one seem to have had the same result, that neither of us has any."

Robert's speed does not abate until the hotel is reached and he sinks panting into a chair in the bar-room.

"What an escape!" he murmurs. "What could have brought Jane here? How quickly she has tracked me!"

* And it is. She is perfectly right.

† And in that she was wrong. There is nothing in the law to prevent a wife, under such circumstances, living with both husbands. Both must contribute to her support and both are entitled to her society. Nor will the law admit that there is any immorality or wrong-doing, or release either husband. They must divide her or go without a wife.

When his brain clears and he cools off, he drinks two holy-crosses sour—slowly, one after another.

There's naught, no doubt so much that the spirit calms as rum and true religion, but since the visible stock of the world's supply of the latter has run down so low that very few ever venture to buy a future in it, the former is nearly always used to steady the nerves after a shock. Blame him not! Where could he find, at Long Branch, anything else to bring ease to his mind or strength to his legs? He scorned, ay! he loathed the "red, red rum." But Santa Cruz is white, and then, just think of the name! It was the nearest thing he could get to the other. He always conformed to the prejudices of the world—when it paid. He was piously inclined—in Tipton. If he had not been he would never have been able to steal \$600.

When he goes to the reading-room he sits down at a table, and with some difficulty composes the following note:

"MY ADORED ANGEL:—You have been brave and true, but I must put your courage and devotion to one more test which I know you will gladly accept for my sweet sake. I am again in trouble, in serious trouble, which you alone can keep me from. I will explain all to you when we meet, but now you must do exactly what I say, or we may never meet again. If you love me, my angel, do what I say. Pack your trunks immediately. Don't wait a minute. I will send a carriage for you at eight o'clock. Pay the landlady the board for a week, and tell her that your mother has taken rooms at the West End for us, and we must go there. Tell her that you will call on her with your mother to-morrow to thank her. The driver will bring you to me. Don't delay him, and don't let any one know anything has happened to me. Come to me, darling, come to your own.

"BABY BOB."

At ten o'clock she is sitting on his lap in a room of the Metropolitan Hotel, New York. Her "Baby Bob" has

explained the reason for their sudden flight from the Branch—not entirely to her satisfaction, but she will not let him know that.

“And could they arrest you in New Jersey, Bob dearest, when they cannot in New York? You haven’t done anything wrong. Is it the law?”

“My angel, they don’t ask any such questions in New Jersey. It’s not like New York. Here they hunt up the law, and if they can’t find one they don’t arrest you, but there they just run a man in and send him to jail. It’s only after he has served his term of two or three years behind the bars that they even let him ask if *it is the law*.

CHAPTER VIII.

Every wise woman buildeth her house.

Prov. XIV, 1.

WHEN Smith said that Greene was the fly in his pot of ointment, he merely gave expression to a thought that had been formulating in his mind from the time when in the judge's private room he had asked Jane where Greene was. It had soured all his pleasure in finding his boyhood's love. After the first few caresses, an invisible person had seemed ever-present—a mocking, sneering demon. He could not bring himself to believe that they were alone, even during the hour that Fanny left them to themselves; and the words that would have flowed readily under any other circumstances, could not be uttered. If he had never married Jane it would have been a very different matter. Then the thought of her husband would have been a pleasure, perhaps a delight. Now, it was exactly what he had said—a fly in the pot.

That the final result would have been the same had Jane never remarried, is certain. It would merely have taken longer for its development. There would have been many complications which Greene's existence prevented; but nothing could have kept back the discovery that the Jane he loved and married was not the Jane he had found.

It was the truth, that he had kept fresh and green his memory of the sweet and shy village girl of sixteen.

It was the truth, that he had never loved anyone as he had the timid, clinging bride of a few months. Perhaps he never would—or could. It was the truth that he loved her still. But it was his child-wife that he loved ; not this fair and fat woman.

He would have taken it for granted at first that she whose character had been formed in the narrow lines of village life, whose passions had been uncontrolled by the amenities among the gentle, whose nature had been hardened and whose judgment had been warped by years of penury, was truly his tender, unformed wife in another dress. He would have sought for and imagined resemblances. He would have shut his eyes for a long time to the fact that he could not find them. But however reluctant he might have been to accept the truth, the time would surely have come when he would have been forced to recognize it.

Two wives are what he had said—one too many. Many men make the same discovery concerning a single wife ; but all men who have more than one must make it, sooner or later, whatever the circumstances may be, provided the wife is an equal and not a slave.

Mabelle's merciless probing brought the truth clearly before him. He had tried to put the thought away ; but the mere mention of Greene's name had compelled him to recognize the fact that he did not care whether Mrs. Greene ever crossed his path again. He was ashamed of the feeling—and he could not but rejoice in it. It seemed like treachery to the girl-wife whom he should never cease to love, that he could not accept her in whatever guise she came ; and yet it was pleasant to know that this gross woman whom he feared had no influence over him.

His appeal to Mabelle had not been in order to show her that he loved her better, or that she had misjudged him. No thought of Mabelle or of self-justification crossed his mind. It was because a great fear had come to him, and he wanted help. He clung to Mabelle as he might have clung to Frank. Two years of right-living under Mabelle's influence had really weakened his appetite for the pleasures of the stable. The path which had been followed for a few months as a matter of courtesy and accident, had become really the more attractive. Like a man, he did not understand that it was the effect of his wife's influence, and he honestly attributed it to lack of temptation. Here was a temptation almost irresistible to return to the lowest depth—and he looked at it with a shudder. He appreciated how strong it was. Jane was legally his wife. He believed that she loved him. She took it for granted that he loved her without his saying so, and he had not the courage to tell her the truth. But he could not in his heart regard her as his wife. She was to his mind but a strange and unknown woman whom he disliked rather than liked, because her existence seemed to rob him of one whom he did love.

Had she been another man's wife, to whom he had been attracted, he might not have welcomed the temptation, but he might not have put it away. It was the thought of Greene that made this particular temptation repulsive, and this alone that kept him in subjection to the law of his mind.

He may not have been fully conscious of it, and probably was not. The drowning man clutching at a plank is not fully conscious that he is drowning. His action is mechanical. Smith's was probably the same when he grasped Mabelle. But he saw instantly that she

was his only means of escape from a position which grew more and more unpleasant every time he considered it.

Rosedale was very inappropriately named. There was not a rose anywhere around it, and the house itself was on a ledge near the top of the north side of Storm King.

As the school-boy just beginning Greek derives Moses from Middletown, so Mabelle had instantly derived this name when Smith had objected to the village calling it Rosendale's, from the previous owner of the little hut which he had taken for a debt and transformed into a retreat from the summer heat of the city.

He had built a comfortable country house of the American pattern. The Queen Anne and King Louis houses in the valley looked up at it in contempt, and the bucolic minds gave it none of the reverence wasted on them. But it had a dozen comforts and conveniences they lacked, for not a dollar had been wasted on show, and the view was equalled by only one other in the state. A covered piazza, fifteen feet wide and two stories high, on three sides, was used for dining and living rooms; and here, above the highest flight of the mosquito, and far beyond the line of dew, the fiercest summer day to those roasting and broiling in the boxes of the village below was delicious June weather.

"I have invited Mrs. Carter over for your birthday, Billy," Mabelle says. "Will you go over in the morning to Coldspring, or will you send Drivvels?"

"Suppose there is no wind," he replies, giving her hammock a swing. "The *Fly* cannot spread her wings without it."

"I will not suppose it. There has been a breeze ruffling the bay all day. We might have had a lovely sail to Newburg and back."

"Why didn't we go?" He is amused.

"Because I am so lazy. You might have gone."

"And left you here. What fun is there unless you have somebody to admire your skill in handling the boat and to enjoy the drive through the water."

"Mrs. Hart and Lilian would have supplied that. And there's lots of women at the hotels and boarding-houses, whom you know, that are dying for a sail on the *Fly*."

"They are all a pack of empty-headed fools."

"Since when, Billy? You must not become misanthropic. There are lots of them more interesting than I, if that's what you mean."

"You know that's nonsense. You know there isn't another woman in the world that's fit to button your shoes." He is angry and earnest.

"Do you really think so, Billy? How foolish you must be! I wish some one else thought so." She does not; but she says it. Why women say such things no man ever yet fathomed. Perhaps there is no "why."

"Dick Jones, for instance." His wits have been sharpened.

"No, he thinks so now. I wish he didn't." The latter sentence is true at one moment and untrue the next. This happened to be one of the odd-numbered moments.

"Has he told you so? The voice is quizzical, but only by an effort.

"Yes." She is miles away, and has answered without thought.

There is a sense of suffocation in his throat. He can scarcely breathe, and he knows that he must not try to speak. The words of her prophecy as to her "fate"

burn like caustic. His silence brings her back slowly, and their eyes meet.

"Don't, Mabelle, don't fall in love with the handsome face of this modern Paris," he says earnestly. "If you do, you *will* break your heart. He is everything that a woman desires, but he has no force of character. He can be led by the nose anywhere and almost by anybody. He takes the last word and follows the last face. He has no persistence; no sand. In everything else there's not a word to be said against him; but to a woman like you such weakness would be despicable."

She smiles at him. "Will you go, or will you send Drivvells?"

"I will go, of course. You will come with me?"

She hesitates, and—Dick Jones is lost, not she.

"Yes. Shall we take all? The *Fly* is large enough."

"No; let us go alone, If we get to Coldspring before the time we can take a cab and drive out to Brookside. Otherwise we must wait at the dock."

She nods assent.

"Who else will be here?"

"Only Mr. and Mrs. Grey—Nellie Brown that was. Gypsy came up with them on the boat. They are at Caldwell's. Old Mr. Brown has not forgiven them, but he has withdrawn his objections. I don't know whether it should be called an armistice, or strained diplomatic relations. He won't speak to or see Grey, but he won't make his daughter unhappy, as she will be that soon enough, he says. He pays Grey \$3,000 yearly until Nellie has cause to complain—then the allowance stops at once and forever. What do you think of it?"

"I hope it will be effective. Grey is certainly an adventurer, but he may be able to settle down on that.

I am glad you invited them, for I want to meet him and study him. Why not keep them here for a week ? ”

There is a light in Mrs. Carter's eyes, and a slight feverishness of manner that Mabelle notices and wonders at when the two women meet the next morning. The *Fly* has made the run over from Cornwall in quick time, and Mr. and Mrs. Smith reach Brookside nearly an hour before the preparations are completed for the flitting.

The valises, bundles, two children and nurse have been started off in Charlie Warren's carryall. Dick has gone into the house for some cigars. Mrs. Carter stands waiting at the door. Mabelle, who has been sitting in a hammock, sees a flower she wants and goes to pick it. There is a larger bunch at the end of the side piazza, and as she drops on her knees beside it to select the choicest, she hears the murmur of voices. Unconsciously she glances up. Her eyes, on a level with the piazza floor, have a clear view of the parlor, for the curtain in front of the far side-window has been drawn up a few inches, one shutter is open, and she cannot help both seeing and hearing the small comedy. Mrs. Carter has stepped back into the parlor, closed the door, and she and Dick, clasped closely in one another's arms, are kissing as if it were a farewell before an execution. Perhaps there is some such feeling in Mrs. Carter's mind as she recalls the fact that she is taking Dick into the camp of the enemy.

There is no mistaking the Pandemian for the Uranian kiss, and Mabelle's face pales slightly, then colors, as she rises quickly and walks away, her footsteps making no sound on the soft lawn—keeping the flowers. There is a smile on her lips as she walks slowly to the carriage where Smith is standing in some impatience.

“ They will be here in half a minute, Billy ; give them that in which to bid good-bye.”

"To what?"

"Midnight talks, moonlight walks; the glance of the eye and heartfelt sigh," she replies mischievously.

Smith grins. "Was Gypsy right?"

"Yes. She is always right."

He colors as he thinks of what she said about himself.

The two truants appear in the doorway, their faces slightly flushed.

"We are ready now. I am very sorry we have kept you waiting so long."

"It is a perfect delight to wait here, Mrs. Carter. One can only regret that it is not forever when it is waiting with you," Smith replies. "How you can tear yourself away from here for our ruder and breezier signal station I cannot imagine. Is it possible, may I dare hope, that it is from some personal regard for me?" The tender concern of his voice, the affectionate caress he gives to the words, the strictly confidential manner, set them all laughing.

"You have not answered my question," he says, reproachfully, when they are seated in the carriage and moving along the hard sandy road. "May I hope that—it is because—you are kind?"

"Am I not going especially to honor you—and for no other purpose? Are you thirty-one years old to-day without understanding how hard it is for a woman to show her—" she casts her eyes down in modest confusion, blushes divinely, and whispers so that all can hear—"preference openly."

No bashful maiden of sixteen could have done it better, and their mirth has not subsided by the time they reach the village street and straighten up to run the gauntlet of curious and inquisitive eyes that stare at them from every porch or window.

Smith does the honors of the boat, helping the ladies as if they were eggs, and as he lifts Mabelle lightly to the deck, he wickedly winks at her, and she answers with a decidedly affirmative nod, her eyes brimming with mischief.

The *Fly* was a thirty five foot skimming dish, fifteen feet wide, with plenty of floor, stiff as a church, having a weather helm, and a cockpit as comfortable as a barber's chair. Smith had pulled out the stiff church-pew seat, and replaced it with a wide one having an inclined back—a divan in fact. The seat and back were supplied with soft cushions that could be stowed away, and every two feet there were broad slings for the arms.

"Isn't this comfortable, Nellie?" Mabelle asks, as she piles half-a-dozen pillows and curls up. "Do as I do."

But Smith arranges them for Mrs. Carter with a devotion that is almost touching. "If there is a rose leaf rumpled, let me know," he tells her tenderly.

"There is not, I assure you," she replies, as she settles down on them. "Agnes, be very careful with the children."

"Rest aizey, mum; I shall not let go me howld."

"Is that her name?" The whisper is very confidential.

"Yes," she replies, in the same tone. "And my cook is named Edith Florence, and the chambermaid, Maud Ethel. Her full name"—nodding to the nurse—"is Agnes Cordelia Flannagan. She has dropped the O, and looks down with scorn upon the cook, whose patronymic is O'Shaughnessy."

Dick feels left out in the cold, and lies at full length on the cushions blowing rings from his cigar. The women are on either side of Smith, and there is a small

mountain of pillow between him and Mabelle. A secret sense of relief comes when Smith, who is too thorough a yachtsman to let pleasure interfere with duty, gives his whole attention to the boat. The wind is fresh from the nor-west and the *Fly* is carrying more canvas than a coasting schooner in a white-ash breeze.

It is the short leg. The *Fly* is jammed into the wind as closely as she will go, the sail flattened down and the boom aboard. They have just passed another boat working up the river, and every one except Smith and Drivvels is watching it and waving handkerchiefs. Drivvels stands on the deck with his back to the cockpit, leaning against the mast and keeping a sharp lookout. Smith, glancing under the boom, sees Box, the small Carter boy, climb suddenly upon the seat at the farther end, behind his nurse, lean over the cockpit rail on the lee side as the boat heels a little with a puff of wind, topple over it on the deck, roll to the low bulwark, and fall overboard as he attempts to rise.

It is not ten seconds from the time the boy had climbed upon the seat before he is in the water. There is no opportunity to do anything to save him from going overboard; but, as he topples over on the deck, Smith calls out in a ringing voice, "Drivvels, here! Quick!" Then he springs to the stern and dives as the boy swirls by, striking the water within a few feet of him.

The boat, left to herself, comes slowly up into the wind, and her sails shiver as Drivvels leaps into the cockpit and casts off the sheet, holding it by a single turn around the cleet.

"Sit down!" he commands, as the women and Dick spring to their feet; "sit down or your heads will go off." The swinging boom forces compliance. "It's nothing,"

he says, grimly ; “ the boss swims like a duck and wants to show them fellers he can swim faster nor they can sail.”

Nobody believes him. But no one knows what is the matter. Their faces are pale, and their eyes are strained to see the swimmer, now half a mile away. No one misses Box.

Suddenly an unearthly howl comes from the nurse, Agnes. “ Master Frank, where is master Frank? He’s in the say! He’s in the say!” and she climbs up on the weather side to cast herself overboard. Diek hinders her, but he has to pull her down and sit on her to do it. He cannot stop her howls.

“ My boy, my boy ! ” Mrs. Carter attempts to stand, and falls back half fainting.

“ Is safe and sound, ma’am, aboard that boat yonder,” Drivvels says firmly, pointing to the other yaeht, whose sails are shaking. “ There’s nothing to be worried at. There’s nothing whatever the matter. The boss had him the minute he struck the water, and has been learning him how to swim until they picked ’em up. We’ll have ’em aboard again in another minute.”

“ Is it true ? ” she asks Mabelle, whose arms are around her.

“ Look and see for yourself, ma’am. There they are ! They are ealling to you.”

Drivvels brings the *Fly* around the other boat with the skill of a juggler. Smith is standing on the weather side by the stern, the boy on his right arm, and as Drivvels steers the *Fly* within six inches of the *Bella* he grasps the shroud with his left hand and swings himself aboard.

“ Well done, Drivvels, well done ! ” he calls out, as he

drops Box into the cockpit on the still howling nurse. "Sit on her mouth, Dick, for heaven's sake."

The half-dozen men in the other yacht cheer frantically as the boats part company again, and Mabelle and Dick wave their handkerchiefs and return the cheer, but very feebly. Mrs. Carter is hugging her very wet boy. Drivvels, with a wooden and expressionless face, is giving every portion of his mind to his work, and the nurse is on the floor leaning against the centre-board, rubbing her eyes, and showing a great deal of white stocking.

"Billy, come here," Mabelle commands.

"In a minute, my dearest," he replies, chaffingly.

He has taken Drivvels' place by the mast, and has emptied the water out of his shoes. The second one is hard to get on again.

"Come here, now," she repeats, firmly.

"I am too wet, just now, ducky love."

"I want you wet and as you are. Come!"

He leaps down into the cockpit beside her, for she is standing near the forward end, with one arm on the centre-board box.

"What is it, Mabelle?" She has made him a little anxious.

"I want to kiss you," she says, with a sob.

His face flushes. "But you will get wet," he replies, with the keenest regret, as if that were an insurmountable barrier. He is bending over her, and she clasps her arms around his neck. "I want to get wet—from you." She turns her face up to his, her eyes filled with tears, and kisses him three times. She feels him tremble as he returns them, and releases him.

"You are cold."

"With these flannels on? Nonsense! But you are wet," he says, remorsefully

"I wish I were, I would never let my clothes dry. I would keep them as they were, to—"

"O, Mr. Smith, how can I thank you for saving Frank's life?" Mrs. Carter interrupts. "What can I do or say?"

Both of her hands are holding his. He knows that if he will give her a chance she too will kiss him. But Mabelle's first kisses are on his lips, and it would be profanation to let any others rest there.

"Nonsense," he repeats, kindly. It's a favorite word with him. "The boy tumbled overboard and I picked him up. That's nothing. You must get accustomed to his tumbling overboard. I fell in twenty times before I was twelve, and never once asked who pulled me out."

The latter part of the sentence was not true. Smith could "lie as fast as a horse could trot" when it served a purpose.

"But you risked your life?"

"Why, no! I take a header like that every time we come out alone, don't I, Drivvels?"

"Yes," said Drivvels, not changing a muscle of his face. "I've known him to do that mor'n a thousand times."

At this there is a howl of laughter from Dick, and a broad smile from the others. Drivvels had been acquired when the yacht had been purchased, a month previously; but evidently he was not going to let the skipper out-lie him.

"Box had better have some dry clothing," Smith suggests. "Haven't you some handy in those bundles?"

"I've had a bully swim," Box says to Cox, as Agnes gets the necessary apparel and yanks him forward to change his sailor suit.

Then they laugh again. His mother's fear disappears, and she feels like slapping him.

"I like that boy," Smith tells her. "When I turned him over and said, 'Now let's have a little swim,' he spluttered for a moment, and as soon as he got the water out of his mouth he asked me if I could float on my back. I was teaching him to tread water when the *Bella* came up to us. He hasn't an atom of fear."

Mrs. Carter laughs nervously. "I wish he had a little. He is always getting into scrapes. But won't you catch cold?"

"Not I. If I thought there was the slightest chance of it, I should retire to the small cabin in the bow and change my clothing. I have a suit in there, but I think I look so much better in this sailor toggery—I feel so much better, anyway—that I am not willing to lose the good impression it made in my favor at Brookside. I'll be dry by the time we land."

"Do you know," Dick says, lazily, "that, if you were not a very much married man already, I should begin to think you intended to trifle with my aunt's affections? She had better keep a weather eye open—isn't that what you call it?"

"Billy's attentions are strictly honorable," Mabelle says. "There's luck in odd numbers, and, having two wives, there's no reason why he shouldn't have three. How does the idea strike you, Billy?"

"That's just what I have been thinking of all day. Monogamy is logically wrong. Everything is in threes. Every thought is triune. You cannot conceive of the

number 2 except as limited by 1 and 3, or as having a figure 1 on one side, and a figure 3 on the other, these other two being its logical determinants. Every idea or conception is subject to the same law of the 'intelligent triad,' and the idea of a wife is no more an exception than is that of a Deity, which finds in this law the necessity for a Trinity. If Mabelle is number 2, it's because Jane is number 1, and somebody else, logically, should be number 3."

"Please excuse me," Mrs. Carter says; "I do not want one-third of a man."

"Billy isn't clear," Mabelle hastens to explain. "What Pythagoras really says is that every thought is made up of a definite one and an indefinite two. Now his thought of a wife is made up of the definite *Me* and the indefinite Jane and the indefinite *You*. To divide him up would be to make each of you a definite one, and introduce six other woman as 'logical determinants.' I don't like that phrase, Billy. It's not clear. No, you must remain indefinite—even as Jane does."

"And when, in the name of the seven Sutherland sisters, did you read Pythagoras?" She is a constant source of wonder to Dick.

"Billy has made a collection of the 'remains,' and I have read his manuscript translation. You see, do you not, that there is no question of landlord and tenant; no question of a division of the property, only of its use? I hold him as tenant in possession, by your gracious permission—and Jane's—for life or good behavior; and until I cease to be the wife *in esse* you both must remain *in posse*—a mere potentiality, like a cardinal *in petto* or a bishop *in partibus*."

"But that's worse yet. You don't give me even the third to which every widow is entitled by law."

"Not every widow," Smith says, lightly. "In a short time few widows will be so fortunate as you have been. One-sixth or one-ninth will be the best they can claim. They will be lucky if they get the twenty-fourth."

"How is that? I do not understand."

"When I married Jane, she was endowed by the ceremony with a one-third life interest in my estate. When I married Mabelle I was not called upon to endow her. The law took from Jane one-half her life interest and gave it to Mabelle—so that each now only holds one-sixth. If you will honor me with your hand—your heart I hope is mine—the law will take from each of them one-third of what they have left and give it to you, so that the portion of each wife will be one-ninth. The first wife is compelled to dower the second wife, and both to dower the third."

"Jesting aside," Dick says, "do you mean that you can marry again, lawfully, without losing either of your wives?"

"Yes, with certain little formalities."

"And these are?"

"A divorce, valid in the state where I marry, but not valid in any other. Then the third marriage will be valid in this state, and the divorce will not be, so I will have three lawful wives, all of whom I must support."

"How long do these formalities take?"

"That depends. If a strange state is selected, one year's residence is required (but seldom insisted upon). I happen to be a lawful resident of three states and a voter in two.* In either one it would take me about

* He is a natural-born citizen of the United States, but he is not a voter in Rhode Island, although he has a legal residence there and is the owner of a large amount of personal property. He was born of American parents while temporarily outside the jurisdiction of the United States (in Montana, within the jurisdiction of a treaty tribe), and the Rhode Island election law grants suffrage in such cases only when the natural born citizen owns real estate. Native born citizens

four months to fulfil every lawful requirement and be perfectly free to marry."

"Then there would be no impropriety in a married man courting an unmarried woman? He could marry her if he wished?"

"None whatever, in this state. The disabilities in the case of a married man possessed of some small means would be much less than those imposed on a poor bachelor without money enough to pay his board or rent in advance. All that idea of impropriety in married men pursuing spinsters is past and gone—it is a mere survival of barbarism. The Court of Appeals in 1883 * wiped it out. There's nothing in the fact that a man is already married to keep him from courting and marrying single women, or to keep single women from being so courted."

"And sauce for the gander is sauce for the goose?" asks Dick.

"Certainly. Married women have equal rights to be courted by single men, or married men for that matter. But they haven't so many opportunities for the divorce."

"Then all you have said in jest this morning might possibly be said to me in earnest by some married man—lawfully be said to me by him?" Mrs Carter is shocked. She shivers. "Don't pretend any more. I won't have it. Some one might think you were in earnest. And how much jest it robs one of! I shall never dare flirt again, even for a minute."

Smith laughs. "You make a mountain out of a mole-hill. Anything lawful is proper and right. Why object if—*it is the law?*"

* 92 New York, 526.

in Rhode Island do not have to own real estate, but foreign-born (natural-born) citizens and alien-born (naturalized) citizens must own real estate, in order to vote. This was a slip of the law makers, who restricted the registered voters to "*native* male citizens," forgetting that *natural-born* citizens might be either *native-born* or *foreign-born*.

CHAPTER IX.

The fining pot is for silver and the furnace for gold ;
But the Lord trieth the hearts.

Prov. XVII, 3.

WHEN Smith met Grey at lunch he looked at him with some curiosity. That he should recognize in this adventurer the particular insect that had given an unpleasant odor to what otherwise might have been a fragrant balm, was not to be expected. The smooth-shaven, soft-voiced, and shy-mannered man bore no resemblance to the full-whiskered sunday-school teacher revealed in the photograph Jane had shown him of her husband. The change of his name from Greene to Grey, and the removal of a beard, unreaped for ten years, not to mention his recent marriage and his very presence in Smith's house, made recognition impossible for any one except, of course, Jane. The beard had been sacrificed since the flight from Long Branch, but no disguise was ever yet invented that could not be penetrated by a jealous woman.

Grey was in ignorance of the events that had happened since he slipped away from Tipton between two days. He supposed, naturally, that Jane had followed him to New York, and that the meeting at Long Branch had been but an accident, for he understood from her words that she knew nothing of his marriage with Nellie Brown. That there could be the remotest connection between his easy-mannered host and his forsaken wife would never occur to him.

It did not take Smith more than a few minutes to place Grey. "A country clerk," he said to himself, "who has obtained a rather better education than usual because he knows education is necessary to make a knave." The others are slower in finding him out. It is easy for them to see that he is not perfectly well-bred, but the little slips are unconscious and do not disturb his serenity, however much they annoy Mrs. Grey, whose illusions are rapidly vanishing, if they have not already disappeared.

Half-a-dozen stories by Smith of adventures among his constituents while engaged in his last canvass, make the luncheon exceedingly merry. Then the men and their cigars find a place on the eastern veranda as the women disappear.

"Ah!" says Grey, leaning back and putting up his feet on the rail, "this is what I call solid comfort."

"What is your idea of perfect happiness?" Dick asks.

"Nothing to do; plenty to eat, drink, and smoke; lots of pretty girls." Greene rather prides himself on his epigrammatic powers in conversation.

"That's the Moslem idea, translated into modern English," Smith says. "But it palls after a time. One sighs for occupation."

"You must have plenty. I don't see how you can find time to practice law, pull political wires, and still have fun."

"I don't practice law. I only amuse myself at it."

"But you sent a lot of notes to my lawyer that helped me out of the hole I got into by marrying Nellie. I am very grateful indeed for it, and I told your wife so yesterday."

"That was nothing. I went over all that point once for a constituent of mine, who was in for a worse sentence than yours would have been, for illegal voting, and I sent my references in that case to your lawyer. My sister has told me the story of your courtship and marriage—Mrs. Grey and she were schoolmates, as you know—but I should like to get the facts in order, for they must be romantic. All the world loves a lover."

"Yes, it was romantic. About two years ago I went to a little village up in the Adirondacks, for my health. It was frightfully stupid, and I advertised for correspondents. Among the answers was one from Nellie. We corresponded for a year, exchanged photographs, and finally fell in love. There was not the slightest chance of her father's consenting, she was so young. So I came down to New York, and we met at the minister's. Ten minutes after we met for the first time, we were man and wife."

He had been born in Ridgeville and had never before been out of the county. He liked lying for lying's sake.

"How did Brown find it out? Did you tell him?"

"Nellie was awfully scared after we were married, and begged me not to press matters; but I wasn't that kind of a hairpin. After we had been married a week I went to the old man and introduced myself as his son-in-law. He reared up on his hind legs and howled for a policeman. The policeman refused to arrest me at first, but when the old man insisted, and charged me with felony, he run me in. I will admit that I was awfully scared when I heard him tell the captain that his daughter was not sixteen years old when I married her, and the captain reply that I would certainly get five years. I never knew it was against the law to marry a woman."

“It has always been a felony to marry a girl under sixteen years of age without her parent’s consent. You might have taken a girl of *ten* as your concubine,* her parents consenting; but you would not have been permitted to marry her until she had lived with you as your mistress for two years, and was twelve years old. Any ceremony would have been null and void during the two years between ten and twelve. This season of immorality was religiously ‘preserved’ by Church and State for the profit of the parent, and he was protected in it for six years, until the daughter was sixteen, with every safeguard the law could throw around him and it. A wife belongs to the husband. Marriage extinguishes a parent’s rights, and the marriage of the daughter took from the parent the revenues from her sale or lease for immoral purposes—robbed him in fact of valuable property. At first this robbery, otherwise marriage, was punishable by death; latterly we have been more merciful and have reduced the punishment to five years’ imprisonment and a heavy fine. The parent might sell his daughter in honorable marriage, if he wished to; but only for the four years between twelve and sixteen. Concubinage and immorality were honored above marriage, and permitted for the two years when marriage was forbidden—between ten and twelve. To decoy the child away from the parent’s house for immoral purposes was punished the same as marriage and for the same reason—the parent lost the money.† This was

* The age was raised to sixteen, June 24, 1887.

† 282 “A person who takes a female under the age of sixteen years, *without the consent of her father, mother, guardian, or other person having legal charge of her person, for the purpose of marriage or for immoral purposes* is punishable by imprisonment for not more than five years, or by a fine of \$1,000, or by both.”—Criminal Code, 1885.

the law up to the present session of the Legislature. Last spring we took from the parent the right to sell the daughter, we wiped out this long-established right of property, and we made it a felony whether the parent consented or not.* But we kept the stigma upon marriage."

"How is that?"

"A woman may be lawfully married at twelve. That is common law. We have no statute law. If her parents do not consent, the marriage may in some instances be set aside. If the girl be fourteen † no court in the state has power to set the marriage aside. It is final. This is statute law. She is of full age to know her mind, the civil law says. The marriage is right and proper, the civil law says. But the man who marries her must have five years' imprisonment, the criminal law says, because marriage is not to be preferred to immorality, and no distinction should be made between the one and the other, as a matter of morals."

"But why is it that the husband must go to prison where the bride is over fourteen, when no court has a right to set aside such a marriage? Why should a man be punished for making a valid and lawful marriage against which no objection can possibly be urged, and which must remain in force for life as proper and right?"

§ 278. "Rape is when the female is under the age of ten years."—Criminal Code, 1885. There is no felonious assault in case of consent. *People vs. Bransby*, 32 N. Y. 525. "Resistance is necessary when the child is over ten years." *People vs. Morrison*, 1 Park, 625; *People vs. Dohring*, 1 Park, 628. See also 6 England, 389; 1 Den. 142; 2 Clark, 567; 30 Ala. 54, 39 Mo., 322, 22 Ill, 160, etc. This was amended June 24, 1887, making the age 16 instead of 10.

* Act of March 3, 1887.

† He succeeded in having this changed to *sixteen* by act of Feb. 21, 1887.

“ That is what I asked the hayseeds who botched the bill last spring. There is no reason. There never was any reason why a man should go to prison for marrying a girl of fourteen, or even twelve, except in the parents’ right to sell the daughter and derive revenue from her immoral conduct. When we took that right away, we should have made the age for marriage without the parents’ consent which the Civil Code put at fourteen, the lawful age when a man might marry a woman without committing a crime—keeping the lawful age for immorality at sixteen, and putting marriage at a premium. But the lunkheads on the committee with me would not admit that there was any difference between marriage and immorality, or that there should be any distinction between them. When I proposed to harmonize the civil and criminal codes by raising the fourteen years in the former to the sixteen years in the latter, giving them their way, but avoiding the conflict, they would not listen. They insisted upon punishing the husband because he robbed the parents of property they did not possess—which the law had previously taken away from them.” *

“ What a commentary on our laws and our civilization! Why we are as bad as the Mormons ! ”

“ A thousand times worse. The Mormons are saints compared with us, Dick ! They are not hypocrites and liars, and we are. They shout, ‘ Let a man openly and honestly marry two or more wives ; but let us have no immorality.’ And they have no immorality. We whisper, ‘ Let a man marry as many wives as he will, provided

* At the next session he forced them to harmonize the two codes and wipe out this absurdity. The age of criminal and civil consent is now sixteen years, by act of June 24, 1887, and the act of Feb. 21, 1887.

he does it underhandedly, sneakingly, and by a subterfuge; but immorality is to be preferred to marriage.' And we are morally rotten to the core. We put up an immense sign,

HERE YOU CAN HAVE BUT ONE WIFE

Unless you comply with a few easy conditions.

The world rushing by cheers us, because it cannot read the small letters. I know personally twenty men in New York to-day who have either three or four lawful wives, all acquired in the past three years. There are thousands such. What will be our condition when these laws have been in existence not three but twenty years; when they have sapped the foundations of morality and right living; when they have destroyed all the safeguards of social intercourse? I jest and gibe at the truth, but it is to emphasize and make clear our shamelessness to those who cannot understand any other argument. My blood boils when I think of it. I am on the judiciary committee, but every measure I offer, every suggestion I make, is met by the wooden-headed members from the rural districts with the objection that 'There ain't no popularity or politics in it.' They are afraid to meddle with such questions. Everybody is satisfied with things as they are, they say. 'If we meddle, we will displease somebody; make enemies and gain no friends. That's not good politics.' It's enough to make a man curse Thomas Jefferson and give his time and money to a steam-laundry." *

* This is literally true. *The Pall Mall Gazette's* revelations of the social vice and immorality of London shocked the civilized world. But in England the lawful age of consent at that time was fourteen, and

Two small hands press firmly upon his shoulders. "We applaud your sentiments, Billy; but what do you say to standing on the top of Storm King and pronouncing the major excommunication against all those who live in the valleys? We have made up a little party. Will you come and curse, or stay and smoke?"

Smith looks at his guests.

"I will go, and thank you," Dick says.

"Then you may escort Mrs. Grey and Lilian—and make your sweetest love to each, Helen, beware! He is called the modern Paris."

"Come Robert," Mrs. Grey says, blushing slightly.

He rises, reluctantly.

"You may take care of Mrs. Hart and Gypsy, Mr. Menelaus. See if you can be as charming to them as Dick will certainly be to your wife and Lilian."

Parliament the next week raised it to sixteen. Here in New York the age of criminal consent by statute law was only TEN years, with two years of the girl's life, between ten and twelve, especially reserved for concubinage and immorality, marriage being forbidden under any circumstances. But it took three years of the hardest labor by the ablest and strongest members of the State legislature to get any change whatever, and it was not until June 24, 1887, that this disgrace to civilization was finally expunged from the statutes. Even then it was done surreptitiously, and by driblets, one word being changed at one session and another word at the next, to let the people down easy, so that no cry should come up from the rural counties that the legislature had interfered with religious freedom and deprived parents of their immemorial rights of revenue from their daughters' shame. The legislatures of other states have REJECTED bills to raise the age from ten years to fourteen or sixteen, fearing to face the people whom it would rob of revenue. The hypocrisy of the age is without parallel and almost incredible. The men who shout the loudest against vice are those who resist with every power they possess all attempts to take from them their freedom within the laws to practice immorality. It is the professed Christian, and him only, who to-day stands firmly opposed to all attempts to simplify the marriage laws and prevent polygamy within the law.

Smith offers his arm to Mrs. Carter. He has been holding Mabelle's hand and does not let go of it. His mutely expressed wish has changed her arrangements.

" 'How happy could he be with either !' " he remarks, as he looks after Dick.

" 'Why don't you speak for yourself, John?' "

" I let ' I dare not wait upon I would.' "

" 'He either fears his fate too much,
Or his deserts are small,
That dares not put it to the touch,
To gain or lose it all,' "

she quotes saucily.

"If this is a quotation game," Mrs. Carter says, "I should think that 'two strings to one beau' might well make 'his seated heart knock at his ribs.' "

"And do you 'think it legitimate fun to be poking away at every one with a sort of double-barrelled gun' ? "

"Stop. You shall not make 'light of cerous things.' I intended you to be the escort for Mrs. Grey and Mrs. Carter, the two Helens. Your passion for everything Hellenic made that very appropriate. I wonder if that is the reason for—"

She stops short suddenly—in confusion. The thought that had flashed across her mind is held back.

"What ? "

She looks down, blushes, then half whispers, "'Tis Greece—but living grease no more.' "

He laughs, but understands, and answers gravely, "'No more, for soul is wanting there.' "

"Mabelle, if you don't stop your love-making—with one half of him, at least, I'll—tell the others."

"Paris, for instance? Troy is not so far off—a six hours' ride on the East Shore road. Did you notice Menelaus turn green at seeing his sweet wife's open admiration for Paris?" The "Paris" is for her husband's benefit. The scratch is for Helen's.

"But the real Paris did not take his Helen to Troy, but to Tyre and then to Egypt, where he lost her, and Menelaus found her again. They will slide over to New Jersey." Smith's tone is so confident that one would naturally infer that he had been consulted by them and had arranged their route.

"And the real Helen was ten years older than Paris. But you must not spoil my conceits by your ugly facts."

Smith is amused. He sees the second scratch, although he misses the first. Mrs. Carter makes a mental memorandum. She always pays her debts with interest, like an honest woman.

"Do you know that I have been very much astonished to find Smith such a gentleman," Grey remarks to Dick, as they are playing a game of billiards before dinner.

"Indeed! what did you expect to find?" Dick is angry, and willing to draw Grey out, for he has a strong admiration for his worldly and commonplace host.

"Why, 'one of the gang,' you know. He has been known to me by reputation for a long time—ever since he led the mob of roughs up to the State Convention. The *Trybune* gave him fits."

"Describe what you thought he was like?"

"Well, I thought he was a tough brought up in the streets; a leader of a 'gang,' who had probably done time himself on the Island; a petty thief or pickpocket who had gone into politics to keep from State Prison. He

fought two or three prize fights when he was young, you know, and I supposed from that he was a pretty hard character. That's the way the New York newspapers describe him. I think I saw in a newspaper once that he learned to write his name after he was elected to the Assembly. How near is this right? It's the general opinion."

"Yes," replied Dick slowly, a red spot on his cheeks. "I haven't the least doubt that was your idea of his character. He is known by name to every voter in New York, and over a hundred thousand think very much as you do. Only a few know the truth. Do you want to hear it?"

"Why, yes. I would be glad to."

"Then listen, for these are the cold facts. He was most carefully educated under the eye of a noble and wise mother. He was a man before he had any knowledge of poverty or crime, except from books. His mother was a Van Rensselaer, the old patroon's only daughter, and Smith's father was in every way her equal. He went to college with my Uncle Harry, and I have heard my uncle say that he was the most hard-working student he ever knew. He took the highest honors ever given. Then he went to a German University for three years, studying harder there than in college. When he returned he went into business and finally drifted into politics, quite by accident. Mentally, he is one of the strongest public men we have. For his age he is one of the best Greek scholars of the world. Greek is his hobby, and he has the best private Greek library in this country. He has made collections of the quoted words of scholars whose works are lost and has edited two Greek text-books used in our schools. He was educated especially for the law,

and has a very high reputation as counsel, though he does not plead. He has written two law books, both often-quoted authorities, 'Citizenship and Naturalization' and 'Corporations.' He understands a-dozen languages, and last fall I heard him make speeches in German, French, Italian, and English. He never fought or saw a prize fight, but he is a member of half-a-dozen learned societies and has several degrees conferred by Universities on famous scholars. He is an amateur athlete, a hard and quick hitter, and he has knocked down many a man in the ward caucuses when some faction attempted to make a row. But no man ever hit him back. He has been a little gay with women, and has spent lots of money on them and on the boys of his district. No one likes fast society and a fast horse better than he does; no one can make a night with the boys such a memory as he can; but he is equally fond of quiet and of a book. He plays his political excitement and free living against his books and studies, and keeps in sound health by the see-saw. His political enemies and the public generally shut their eyes to all but the one side of his character, because he is not a hypocrite, a liar, or a sneak. If he were all three, he would be lauded to the skies as a saint in lawn by the very men who now denounce him as a devil, on the same state of facts and without his making the slightest change in his life."

Grey was genuinely astonished and showed it by his confusion and color.

"Always copper what you see in a newspaper," Dick adds, somewhat ashamed of his heat. "It is sure to be either a whole lie or part of a lie, according as to whether it concerns an opponent or a friend."

"I want to see you alone," Smith says to Mabelle, after dinner. "It's a matter of importance. Won't you come to my room after they go to bed?"

"I want to see you," she replies. "I will come."

It is eleven o'clock when she steps out of the French window that opens from her room onto the veranda and enters the next one. It would have been just as easy to pass through the door connecting the two rooms had she felt inclined to draw the bolt; but she did not. It represented a principle.

"I have a letter from Jane which I want you to read."

He draws an easy-chair for her to the table, and places the lamp where the light will fall comfortably. She reads it through slowly, lays it down, and looks at him.

"It is more than appears on the surface," he says, slowly. "Ostensibly it is merely a notification that she has sued for a divorce against Greene, having secured sufficient evidence at Long Branch; and an appeal to me to live with her and give her that position before the world to which she thinks she has a right."

Mabelle looks him straight in the eyes. "Why don't you do it?"

"I could not do it, if she were the only woman left in the world. I do not hate her or even dislike her, personally; but she represents a thought that has grown so repugnant to me during the past few weeks that I am afraid to meet her, even casually, lest I should say something harsh. Rather than live in the same house with her for twenty-four hours, I would leave the country."

"And that thought is what?"

"That I have two wives. You may hardly credit it,

Mab, but it has become a regular nightmare. I cannot offer any excuses for the past, but there is something worth slight consideration in the fact that, until the past two years, I have not really had a wife, in the true meaning of the word—one to whom I could go in trouble to receive and in happiness to give. The few months I lived with her she was only an unformed child. I am just learning what wife means. Our close companionship for two years, the union of our thoughts and sympathies in a thousand ways, the steady increase of our mutual interdependence, the rapidly growing solidarity of our interests, make a relationship that is dear to me, and might be to you if you could feel the same way. It is the marital or conjugal sentiment that flows from a blending of two lives, in which each has a separate and individual part that is subordinate to one object. To bring a third person into harmony with such a relationship is as impossible as it is to find a proper place for an extra arm or leg or ear. To have the same relations exist independently and at the same time between one man and two separate women, so that it will exist here between him and one woman, and there between him and another woman, is as impossible as it is to think two separate thoughts at the same instant."

"Go on," she says, as he stops. "I am interested. I never thought you would care particularly to have a wife."

"This idea of a wife, this conjugal sentiment, has become very precious to me, Mab; how precious I only realized when a danger threatened it. Another wife would destroy it utterly and completely. Why should it be destroyed? At the very best to rebuild it slowly, taking years. It is the strongest force that governs per-

sonal relations. There is nothing of equal value to take its place, and its growth in any event is exceedingly slow. Jane, in every form and shape that any thought of her can enter my mind, represents the destruction of the most powerful sentiment I ever felt, or ever can feel; the source of the most perfect happiness I ever enjoyed, and the fountain-head from which all other pleasures now flow. For rude illustrations, do I now care for a rare book or MS. unless you prize it? Am I happy in my boat unless you enjoy it with me? Has my horse any attractions unless you are also proud of him? Do I not enjoy a chat or argument, a play or song, most keenly when I can catch your eye now and then to telegraph the way this or that point strikes you or me? Does not a look, a glance, without words, carry your thoughts to me? Is it necessary half the time for you to speak for me to know your thought, if we are alone? Is there or has there ever been another woman of whom I could say this? Are we not becoming one, without losing personal identity?

"I mean from my standpoint, of course. It goes without saying that you can never overcome the feelings of repugnance engendered by those first four years. I am selfish, naturally.

"But this is the situation; and here is Jane's letter. To make the slightest compromise with her would be complete and utter mental ruin, without one compensating advantage for her or myself. I should hate her and myself with such deadly hatred for ever after that I should kill both of us."

She sat and listened to his matter-of-fact talk without understanding the pleasure his words gave her. She objected to his "love." He had "loved" so many other

women that she would have hated herself if she had inspired in him any feeling of that kind. But this was honor, respect, reverence—the three sweetest things that can be given to a woman. If it were love, Jupiter's daughter was not honored by it. The elder Venus, the motherless child of Uranus, blessed it, not the Venus Pandemos.

“What is behind it, Billy?”

“She has put her application for divorce from Greene into the hands of the bitterest enemy I have in the world, that fellow Stryker, whom I defeated and threw out of the general committee. He will do anything and go to any expense to injure me. He is deep and clever and without principle. She says that Mrs. Stryker—his mother—is the ‘best friend she ever made; a noble woman,’ you will notice, and she is going to Bar Harbor with their party. The sentence that she will represent me in the yachting party to which I was invited, is the key. That was Stryker's idea, not hers. She is completely under his influence, and he will play her for all she is worth to him. I can see his game.”

“What will it be? How can he injure you through her?”

“When I refuse to live with her, he will bring an action for restoration of conjugal rights.”

“You need not live with her unless you like. Your support is all she may lawfully ask for.”

“That is true in this state. There are states where she can demand more, and where such a suit would lie. But an action may be brought in this state upon any allegation. You can get a footing in a court upon an affidavit that you own the sun and that I owe you \$250 for using its light. His case will be thrown out when issue

is joined, but that result will never be known to the public. It will not interest any one, and the fact will not be published. The action is brought merely to drive in a judicial peg on which to hang columns of newspaper interviews and stories. Every possible trick and device will then be used to blacken my character. A portrait of the 'deserted wife' will appear in the papers, and your portrait as that of 'the siren'—tempting me, with columns of lies concerning my life. You will read it and come to me asking who that scoundrel is, and if I know him. I don't think I ever concealed a wrong action or even a wrong thought from you; you know my very worst side——"

"But you have concealed the better, and compelled me to find it out." It is a reproach.

—"even better than I do, for I forget more easily." He blushes at her interruption. "But even you will not recognize the description as that of any man you know."

"What will she gain by it?"

"Nothing. She will not understand what she is doing. She will be led on step by step, deceived, cajoled, and then thrown out.

"Is there no possible way to save her?"

"I am afraid not."

How true she rings when any touchstone is applied, he thinks, as his eyes rest on her with an admiration it is perhaps as well she did not see.

"She says: 'It is as you told me concerning the Indiana divorce. It is merely a piece of waste paper. You cannot let that come between us, for it is illegal.' So you told her about that?"

"Yes, at Watertown. You can see her purpose still

more clearly from that sentence. She has had a talk with Stryker about it—not in relation to her divorce from Greene, for the divorce is not affected by it in any way, but to see how it affects her contemplated suit against me.”

“And you want to know what to do?”

“Yes. I am gravelled.”

“Our marriage is really a thing of the past and need not enter into the consideration. She would merely require you to send your niece away, and have another guardian appointed. That is not much. To prefer me, as I am and as we are, is not a wise choice, Billy. You give up too much and get nothing. Be sure of your mind.”

“That means you can help me. My mind is made up. So long as I can keep you as my companion and friend—whether as husband and wife, or as uncle and niece—I am ready and willing to sacrifice anything that stands in the way, and I shall never regret it while I live.”

“Do you know, now, Billy, why you have sacrificed those—other women for the past two years? Was it, do you still think, because you were not tempted?”

“Yes, I was right enough in that,” he replies simply. “But I see now that, once under this conjugal influence, there could be no temptation. I never could be tempted, so it is no merit, when once I had a real wife and I began to live this life of two in one, any more than I could be tempted to go back to my jackets and knickerbockers after wearing a coat and long trousers.”

“And having put them aside, you now put aside your beautiful, lawful wife—for me, a slender slip of a girl? Just for me? Just to have me by you? Just to have our lives grow together in one? For nothing else, only that?”

She insists upon putting the situation in that way.

There is a glow at her heart, a warmth felt even on her face, that is not merely a gratification of her pride. A happiness—strange and delicious—such as she had never before imagined could exist, takes possession of her. The slight dream of love with Dick, so quickly over, had not even touched this chord, which seem to fill soul and mind with the sweetest melody. An archer stands beside the daughter of Uranus as well as beside the daughter of Jupiter, though Mabelle knows it not.

"Yes," he replies, half sadly. "To win your esteem, to secure your respect, to feel that you did not condemn me, to have you lay your hand in mine as Frank does, to be friends sharing honor equally and not in different measures, to be companions sharing joy and sorrow, pleasure and pain, as two persons with one life, I would do anything that was required. It gives me pleasure to do what opportunity offers, even when I have no hope."

He is sitting in a rocker, half turned from her, and looking into the empty grate, not at her. There is silence for a moment. The next she is on his lap, her face hidden on his breast, her arm around him. His arms close gently around her, and he waits, for he has caught a glimpse of the tears on her cheeks.

"What is it, my poor Mab?" he asks presently, when he thinks the rain has ceased. "Have I hurt you? But—you come to me for comfort." There is a ring of pride, of delight in his voice that finds an echo in her.

"To whom else, Billy?" She raises her face, never so lovely as the tears have made it. "Never, never say such words to me again. They hurt me. They are not true. Frank does not honor you, respect you, esteem

you more than I do. There is no man living whom I honor so much. I do not feel as you think. All that past, when I was a child, is dead and forgotten. It was another life. This is a new life—the woman's life—that I have just begun to live. Do not rake up the ashes of that old existence. It is in its grave, and let it pass into nothingness and oblivion. You honor me too much, for I am weak. If you would but give me my just and proper regard, the balancee would still be unequal; but on my side, not yours. I cannot—let her—have you now, Billy. I cannot.” Her face is burning, and she hides it.

“Is this possible! Do you mean it, Mab?” He is astonished, and cannot control his emotion as Hope comes. Tears are in his eyes, as he adds, “Do not say it to please me.”

Fear, Hope's twin sister, is there also.

“Of course, I mean it.”

She does not raise her head. He does not understand the surrender—of which even she is not fully conscious—and does not mean so much by his question as she does by the answer.

“Do you not see,” she continues, “how hard it is for me to say this? I ought to be willing to give you to Jane; but I cannot *now*. I do not want to leave you, if I can help it, and I will fight, if necessary, to keep by your side.”

“Thanks unto Thee, Zeus-pitar, he murmurs. “Mab, look up at me! I want to see your face. Never have I been so happy before. This is the sweetest moment of my life. Can you not share it just a little with me?”

But she will not look into his face, or lift the lids that

veil her eyes. They hide her secret. "I do share it with you," she whispers, shyly.

"I feel like going to the top of Storm King and building a big bonfire. What a birthday gift I have received from you! Is it really true or am I dreaming?"

"It is getting very late," she says, irrelevantly. She has lost her self-possession—and she is afraid.

"And you are tired, and have something to tell me? What is it?"

"Let us finish with Jane first. I think I can conquer her. All I want to know is that you do not care for her or want her. I could have sent her flying the first time I met her if I had known you did not wish to keep her."

"To know that she has no claim on me or I on her, to bid her good-bye forever, would lift the heaviest load from my shoulders that they ever bore, with the exception of the one you have this moment lifted."

"Then bid her good-bye now."

"What do you mean?"

"That she will never be more your wife than she is at the present moment."

"You do not speak with your customary lucidity and precision, most excellent Diotima. You deal in riddles and dark sayings, like the wise Latona."

"Never mind. I can't tell you now what I shall do. Leave her to me in perfect confidence. She shall not have you—not one kiss. But write her a kind reply to-morrow. Explain your position, the necessity that action should not be hasty, that I am your niece; but do not be decided. Leave the question open for negotiation. I must have time, and she must not be driven into active measures until I am ready to meet her and armed in mail. Now for my news. I had a letter from Fanny to-

day, saying that Jane was going to Bar Harbor and on a yacht cruise ; that she did not like Jane's new friends, and would not go with her ; and that if we had no guests, it would give her the greatest possible pleasure to come here for two or three days, as she would be very lonesome all by herself. I like her. Shall I ask her to come ? ”

“ Certainly. You are queen regnant. Frank is coming next week, but that is all right. I think he will bring her pardon from the Governor. He is in Albany, now, trying to get it.”

“ Can the Governor pardon before conviction.”

“ Yes. What is an amnesty ? ”

“ What are the chances ? ”

“ Excellent. I have brought strong pressure upon the Governor to consider the case carefully on its merits. He is a lawyer, and that is all that is needed. The power is given him in order to exercise clemency to the guilty, as well as to pardon the innocent.”

“ I shall sleep happier for that. Let us hope he brings the pardon with him. But before I go, Billy, I want to ask you for \$2000 for a special purpose. Can you let me have it conveniently ? ”

“ Certainly. It is your own money, and you are old enough and wise enough to spend it without any interference from me. You need not wait till you are twenty-one before drawing on me at your pleasure. But I thought you had a fat balance in the bank.”

“ It is getting down low, and I may need a large sum, suddenly.”

“ You are sure it is wise expenditure ? You cannot trust me with your intention ? ” he says, a little wistfully.

“ It's a little speculation, Billy, by which I hope to get

a happiness I have never had. To tell you now would rob me of the pleasure of surprising you with something I know you will like. I am spending it all for myself, selfishly, which is proof that it is well and wisely spent."

"I don't believe you," he replies. "You are going to waste it on me, and then tell me that husband and wife are one."

"Well?" She smiles right into his eyes. "Would it be such a dreadful thing to say to you if it were true? But, really, Billy, true as true, *hopimaydiftisnt*, this is all to get something for myself alone, something which will make me a very happy woman to get and a very unhappy woman to lose. But I am not going to tell you any more until I succeed or fail. Now I am going to kiss you—though it is rather an infliction for you—and bid you good night."

An infliction! He is afraid to speak lest he should frighten her and lose this delicious sweethearting.

He follows her to the window. She turns and gives him both her hands.

"Remember, the past is dead and to be forgotten. This is our new life." She looks at him, but some of the old frankness is gone. There is a new shyness that sits well on her.

He holds her hands. "I do not deserve such happiness as you have given me, but I will try to."

"You deserve all and more than I can give you. Have more confidence—and, please let me go, Billy." There had been the faintest motion of drawing her to him.

He releases her hands, which he has not held tightly, and she passes through the window, but turns back holding the panels so that only her face may be inside.

“Go right to bed. Remember that we must start by eight o’clock this morning to take Mrs. Hart to the train. Good night, again.”

But he does not go to bed. He sits for an hour, dreaming. How Mabelle can get rid of Jane puzzles him. He knows that the money is not to buy her off. He would not do that, if it only cost one penny; and Mabelle certainly would not. Right is right to men like him, and he goes over each phase of the situation and the law bearing on it. “She must have some woman’s way of getting at it,” he says aloud, “for certainly *it is the law.*”

CHAPTER X.

The Lord will root up the house of the proud ;
But he will establish the border of the widow.

Prov. xv. 15.

It is three weeks later. Frank has come and gone, a full and free pardon has been granted Fanny, and she and Mabelle are on the veranda, alone, having "a good talk."

"It has been shameful, disgraceful, dear, the way you, a married woman, have been flirting with that man during the past week. Not that being married really makes any difference, but it did make a great difference some years ago, and we still say it through force of habit."

Fanny colors beautifully. "I haven't. You are not fair."

"Then you are in earnest? He is 'all broke up,' as Billy would say. He would have let work and everything else go to the dogs if I had said 'stay.' Never mind; he will be back again by October, and you and he shall have one another all to yourselves."

"I will have to go back before then." The tone is full of regret.

"You will go back to Tipton about October 15, and not one day before. When you go, your name will be Brooks. Have you settled upon the date of your marriage?"

"That's nonsense. You know there's nothing of the kind been thought of."

"My dear, don't run away from the truth. There's nothing so dangerous as these first loves—especially with women. Now, Frank was yours. He has been digging away so hard at his work since then that he has never had another. He told me so last year. When you meet again, you cannot help but rush into one another's arms. You don't intend to, but the mischief is done before you know it. If each of you had married again, it would be much the same—the first week. But, as he never had another love, the first impulse continues. You must marry him."

"But he may not want to marry me." Her face is crimson. "You forget, Mabelle, that I cannot remarry with a husband living; I am a married woman, the law says, but I have no husband with whom I may lawfully live. I am a married woman and sentenced to celibacy."

"My dear, there never was a law that could not be circumvented, and you may trust Frank and Billy to settle all that without your worrying."

"I should not feel it right to marry again while Mr. Robinson is alive."

"Did you love him, dear?"

"No, I married him for a home. I never liked him. But Jane insisted, and everybody was on his side, and I was worn out with work. There was no one else to marry. In the country, women do not have the same chances they have in the city. There are only two or three, at the most, they can marry, and it is one of them or nobody."

"Did he treat you well?"

"He was kind, according to his lights. But his will

was law. I was of less consequence than his dog, for I had to obey and the dog sometimes didn't. From the day I was married until the divorce, I never had one penny to spend for myself. I had to keep an account of every cent he handed me, and of what was done with it. I could only buy what he told me to buy. I had to explain what I wanted the money for, before I received it, and to return any overplus. I could not buy myself a yard of tape or a card of buttons without explaining beforehand why I needed them. And I didn't always get the money. It was frightfully galling, for he took my own money too, the money I earned teaching music. He is very well off. He saves over \$3,000 a year."

"Why, that was slavery ; bondage !"

"It was what all wives have to submit to where I lived. I was no better than they."

"How could you be reconciled to him, or dream of going back to such misery ?"

"Because, dear, it vindicated my honor. His divorce had put a stain on me that was killing me. No one spoke to me. I was put out of the congregation. When my innocence was shown, every one said it was my duty to re-marry him, to prove that I was really innocent."

"Thank goodness, you are free at last from those narrow-brained beasts of the field ! I loathe the 'honest countryman,' and shiver when I meet one on the road. Billy says, and I believe him, that there never yet was one who was not a thief at heart, a brute by choice ; that honest men and decent men are made by the training of cities and towns ; and there's truth in his argument. The dwellers with the cave bears were brutes, thieves, murderers. The first small community was a step forward, for honesty and morality were born. The more complex

the interests of the community, the stronger the honesty, the higher the morality. The highest honesty and morality can only be found in the most complex communities—the cities. The lower forms are in the ‘country deestricts.’ Every scamp in our cities was educated in villainy in some little village, and finding his local field too narrow, emigrated. Rich or poor, inside or outside the law, every one started in his career in a country village and came to the city because city people are more innocent, more honest, more moral, and more easily duped than country people.* Get Billy started on that subject, some time. It will amuse you, for he has the pedigree of our scamps in New York at his fingers’ ends.”

“Are you not too hard on the countryman. I have known some nice men in the country.”

“Did you ever meet any like Billy or Frank or Mr. Hart or Dick Jones? Mr. Hart is a fair sample of husbands educated in the city. His salary is \$2,500 per year. He hands over \$2,200 to his wife and keeps \$300. She has never had to ask him for a cent since they were married. She rules the house as he rules his department. He no more dreams of interference with her plans or expenditures than she does with his. Many men treat their wives differently, but it is because they have the country training and the country instinct of brutality. What makes Billy or Frank any different from Robinson? Their city training and nothing else. The country training cannot make a gentleman. The best it can do is to make a clodhopper and a brute. Your ‘nice’ men were made ‘nice’ by a touch of city training.”

* A better illustration would be our courtesans. Not one in a thousand is city born and city bred. By and large, all vile women in the cities come from the country.

Fanny smiles at her heat. "Did you ever meet a real countryman and study him?" she asks.

"Yes I did. There was one here the week before you came. He pretended to be a New Yorker, but the pretence would not deceive a child. If ever the word scamp was written on a man's face it was on his. Wait a moment, I have a photograph of him which his wife showed me, just as they were going, and I kept it accidentally."

She steps into her room and returns in less than a minute.

"Look at that face. I had a better view of him, because his whiskers were shaved off when he was here."

Fanny takes the photograph, glances at it, and exclaims, "Why, this is Robert!"

"Do you know him?" Mabelle asks in astonishment.

"Why, certainly! It is Jane's husband, Robert Greene."

She turns the photograph over and shows the printing on the back, "Richard Courtright, photographer, Watertown, N. Y."

"I remember when he went to Watertown and had a dozen made. It was in June, last summer. He gave me one."

There is no chance that it could be somebody who looks like him?"

"I could not be mistaken. But did you say he was here with his wife?"

Mabelle does not answer. She walks rapidly around the veranda to where her husband is lying in a hammock, half asleep.

He opens his eyes.

"Look at this photograph." Her hand trembles.

He looks at it closely, and starts up. "Where did you get it? It's that fellow Greene."

"Study it."

He does. A puzzled look comes over his face. "I have seen him somewhere," he says. "The eyes are familiar."

"I know that I have seen his eyes somewhere." She merely repeats his own words to her concerning Grey.

"By Herakles, but I believe you are right. Did you notice the ring on the first finger of the left hand, the same as Grey's? How did you get it?"

"Helen showed it to me as the photograph of her husband, Robert Grey, before he sacrificed his whiskers. Fanny has recognized it as one which Jane's husband, Robert Greene, had taken in Watertown, last June. Look at the imprint."

He does, and goes back with her to Fanny.

"Fanny, won't you tell Billy all about Jane meeting her husband at Long Branch, and describe the woman?"

While Fanny is doing it, Mabelle goes downstairs. When she returns, Smith is cross-questioning the witness.

"Was this the woman?" Mabelle asks, showing a photograph of Helen Brown.

"Yes. What does it all mean?"

"That Robert Greene is a bigamist. He has married a friend of ours. Damn his impudence!" Smith cries in sudden passion. "To think that he was here for a week. His cheek is monumental. I say, boy! What's his name? Peter, saddle the mare immediately. Give her the plain bridle. He put the No. 6 curb on that cow the last time he saddled her."

"What are you going to do?"

"Judge Barnes of the Supreme Court, is at the hotel.

I am going to him to get a warrant for Greene's arrest. I will then go to the village and telegraph to the sheriff of Green Co.—how appropriate the names are—to grab him. He is at the Kaaterskill, is he not?"

"Yes; but will a Supreme Court judge interfere in such a case?"

"My dear child, six years ago a man * living in the city of New York said that a man † living in Ohio was a liar; and his assertion was the simple truth. The man was the worst liar known in history. He had twice been convicted of perjury, by a committee of his own party and his intimate friends in Congress. Now, to call a man a liar, whether he is or not, is conduct calculated to provoke a breach of the peace; but there was not the slightest reason for supposing that any breach of the peace would or could take place between two men living 500 miles apart, and if it should happen it would be merely a case for a \$5 fine. Yet Chief Justice Noah Davis not only issued a warrant for that man's arrest, but he opened a court as a police-magistrate * * * * ‡. There was no other charge or pretence of charge than that one man had called another man a liar. § If the chief

* Kenward Philp.

† James A. Garfield.

‡ The remainder of Mr. Smith's sentence was too libellous for publication.

§ The Morey letter was written by Garfield and given by the receiver to Samuel J. Tilden. It was a political trap, for a different occasion, into which Garfield fell. It was not necessary to use it at that time, and it was saved by Mr. Tilden for a future emergency. In June, 1880, at a consultation at Mr. Tilden's house, he showed this letter when one of the visitors insisted that Garfield would be nominated. When the visitors left, and Mr. Tilden gathered up the papers to put them back into his safe, he did not notice that this letter was not in its envelope. The day the news came that Garfield had been nominated, there was

justice of the Supreme Court can interfere in a petty police-court case, a subordinate justice can and will interfere in a case of felony where such grave issues are involved—or I'll know the reason why. Bring her here, Peter. Good-bye. Don't wait dinner for me."

Smith returned in time for dinner. "They left the Kaaterskill last night for Saratoga," he explains. "I have sent the warrant by special messenger to Inspector Brynes with a letter from Judge Barnes asking him to send detectives after them, and have enclosed a check for

the worse storm ever known at Greystone, when it could not be found. Mr. Tilden's intention had been to print it the next day after the nomination, and prove its genuineness, "if the Lord delivers our enemies into our hands by making such a nomination," he had said in June. The purloiner waited until two weeks before the election, and then offered the Republicans a chance to buy him off, but they were not spending money in that way. They were shrewd enough to know that its publication at that late date would be of the greatest advantage to them. He then took it to the Democratic managers. They were as shrewd as the Republicans. They knew that it was against Mr. Tilden's wishes to touch it then. So did every Democratic editor in New York, for they had been promptly advised about it the day it was brought out. Mr. Dana kept it for 24 hours, until he could consult with Mr. Tilden; but the others, who had been instructed, rejected it peremptorily. Its publication a few days before election would have been a colossal blunder. When it appeared in a moribund penny paper without circulation or influence—the only newspaper that would touch it—it injured only the Democrats. Tilden, who had the envelope, refused to be brought into the controversy. There was a reason connected with his possession of it requiring that the matter should be handled in his own way. There was no time before election day for him to prove its authenticity without violating a promise he had made. Those who held it were left to their own resources by the Democrats. Philp called Garfield a liar. Davis, Bliss, and the others jumped on him, and, arresting him for this language, it was sent out to the country that he had been arrested for "forging" the letter. This tided their chief over the election, and the case was then dropped.

their expenses. I thought it best not to have him arrested until he returns to New York, unless they attempt to leave the state. I remembered that she was to spend a week home with her mother, and he will go back with her."

Dick Jones returned with him. He had been in the position of an ass between two bundles of hay ever since the night after the Fourth. He had had no chance to exchange one word in private with Mabelle, and beyond a brief paragraph in a letter from her to Mrs. Carter, saying that she had postponed her trip to Chicago, he understood nothing of any change in her feelings, and assumed that it had been a necessity for her to remain in New York.

His aunt and he had become open lovers without consciously admitting the fact to themselves. If they had, they tacitly agreed not to let it be known to one another that such thoughts had come. There was no lack of opportunity, and none was unimproved, at Brookside for embraces, kisses, and caresses. These grow by what they feed upon. They are very sweet, and both were willing to gather the rosebuds while they could. Mrs. Carter was perfectly content; but Dick was not, when left to himself—only when her arms were around him and she was kissing and petting her "boy," her "son," her "delight," as she called him.

Between Helen and Mabelle—if driven to a choice—Dick would instantly have chosen Helen. She was Jupiter's daughter by Leda, his aunt because he was the child of Jupiter's daughter, Venus; and family ties are strong. Blood is thicker than water. But he wanted Mabelle. He had never kissed her lips, he had never clasped her in his arms, and he was the more strongly

attracted for that very reason. It was a different sentiment that swayed him.

He admired Mabelle beyond measure. He considered her figure perfect; her form divine—and he was nearer the truth than her own conception of herself. Even now she was a model of that Asiatic type of beauty which bars unnecessary flesh, and in another year she would be the perfect Greek idea. But it was not her perfectly rounded arm, or her transparent white satin skin that drew him to her. It was, in a word, he would say, “her brains;” but he would be wrong. Her brains were not phenomenal. She was absolutely free from superstition, from cant, from hypocrisy—and she was the only woman he had ever met who was. This was the charm, and he did not know it.

Mabelle was an honest woman. She had faults; she had prejudices regarding persons and things. But all these were as nothing to the virtue that kept her intellect free to test all abstract statements concerning right and wrong by the laws of pure reason, that kept her from becoming the slave of Faith, alias Credulity, alias Idiocy.

She had never had a lover until Dick came, yet she had studied Love and thoroughly understood the origin and scope of this master-passion of the human race. A free mind does this quickly—in ten minutes when the way is pointed out. She knew that it was the conservator and the preserver of mankind, the motive power of all progress and all advancement, without which the wise—who could see no reason for chasing a phantom—would follow the Preacher and turn from this “delusion of living where laughter is mad and pleasure is vain, and praise the dead which are dead more than the living

which are yet alive ; or esteem as better than both he that hath never been." She knew that its force was exerted in a thousand ways through ideas, where it was but once exerted through individuals. She knew that all its incomplete manifestations in love of self, or sex, or country, or humanity, were but a blind and misguided striving after that love of Truth—mistakenly called love of God—which alone brings perfect rest and content. And yet she wished for a lover, or rather the wish awoke to consciousness when she saw one coming. It was idle, she knew, to seek for pleasure in one, for when the wish was granted that was the end. It would not be what she wanted. The fairy story of the prince who came in the night, warning his wife never to light a lamp and look at him, she understood ; and she knew why the prince vanished forever when his wife disobeyed and looked upon him. Love dies with the kiss.

It was true that those who look on Love must lose him, yet all have found him fair ; and she was not to be greatly blamed for willingness to gratify her curiosity. She might have married Dick in Illinois and lived with him in New York for a few months, but for what had happened. It would have been lawful, and "without law there is no sin." She was free by the law to have two husbands, and to live with them alternately if she liked—as free as her husband was to have two wives and to live with one or both, as he would.

She did not admire the law. But it had been forced upon the state of New York by the religious sentiment which considered polygamy and polyandry preferable to divorce. Who could object to her for taking the freedom which the law and religion granted to her?

Certainly not those who had insisted upon giving it to her, by refusing divorce and permitting re-marriage.

All around her were men living with two or more lawful wives; wives living with two or more lawful husbands. She had believed Smith to be living in polygamy, or worse, if there be any worse, with other women. The conjugal sentiment which he had described as unconsciously influencing his actions had been stronger in her than in him—nothing can prevent its growth—but it had been blistered and burned daily and hourly by the thought of those “others,” until it had been in a state of inflammation that made welcome any suggestion for relief from the bitter pain. The thought of Dick’s love was refreshing to her bruised mind, not because she loved him, but because it seemed true and not false to its object—her. Marriage was its corollary. There was no one to object to her giving herself temporarily to him, as a wife, if he desired it. Why should she not? Why should any proper and lawful pleasure be denied?

In everything except the one, she had found in Smith all that her heart craved. He was keen of intellect, kind of heart, honest in word and deed, sympathetic, worldly-wise. But for this black cloud between them she would have been as happy in her husband as one can be who has nothing left to desire—which is saying little.

When Smith came to her with the story of his meeting Jane, it gave her both pain and pleasure, for she did not quite comprehend the motive that impelled him to tell her; but when a casual word from him had revealed the fact that her self-torture during the preceding two years had been all unnecessary; that the black cloud had been solely in her imagination, her whole heart

went out to him in a pent-up flood of affection that almost frightened her when she realized it. Dick, and all thought of Dick's love so far as it gave her any satisfaction, had been washed out by her husband's words at the Casino.

It took her days to realize that they were true ; that her pain had been self-inflicted. As she looked back upon the two years, recalling a thousand trifling things that corroborated him in the strongest way and should have revealed the truth, she grew remorseful and angry with herself that her prejudice, when a child, should have blinded her as a woman and a wife, or required so much evidence to remove it.

This feeling concerned the past alone. Jane was a different matter. The moment she knew that her husband had been true and faithful to her from the time she had taken charge of their home and assumed her place in the world as his wife, the bitterest hatred and jealousy of Jane had filled her heart. She could not bring herself to believe that her husband did not love his first wife. She tortured herself in a thousand ways, recalling even jesting words, when she had been a thin and scraggy school-girl, about plump women.

It was her jealousy that resolved to put him to the test. It was her jealousy that sustained her in every temptation to reveal the truth, as the evidence was heaped upon her that he cared for her alone and nothing for Jane. It was her jealousy that had kept the path open and easy for him to be tempted. It was her jealousy that had kept her from dismissing Dick peremptorily, and made her resolve that he should be her husband if Smith did not pass through the fire unscathed. To hurt Smith, not to please Richard, would she force her

husband to share her with another, or give her up entirely.

Her discovery that Dick was clay of the commonest kind; that he could make love to Mrs. Carter and to her, indifferently, was rather a relief. It certainly gave her no pain, for she had never cared for him. She was ashamed in her saner moments of her jealousy, and glad to get free from the temptation of carrying out her ill-considered resolution. She welcomed anything that raised Billy above his fellows, and she knew he could not be so weak as Dick had been. He might *make* love to two women; he could not be in love with both: Dick was.

Dick's last chance of winning her for a wife *pro tempore*, or even retaining her for a friend, had been lost forever the morning of her visit to Brookside. Her jealousy had been almost obliterated by her husband's explanation when he received Jane's letter. It was no longer green. It had faded to a pale yellow.

Dick is resolved to know where he stands with Mabelle, and when she is to become his wife. Absence has made his heart grow fonder. He is sick of "love," and tired, for the time, of kisses that burn and sting. He longs for the milder uranian heart-play. He is sure of his aunt's love. He takes that as a matter of course. His marriage with Mabelle will be secret, *ad interim*, when "the good man is away, when he goes on a long journey"—and his aunt need not know of it, if it pains her, he says to himself.

While Smith is writing a circumstantial account of the discovery to Mr. Brown, which includes a clear statement of his own marital trouble, Dick finds the opportunity he has been seeking.

Mabelle smiles at the story of his hopes and fears, for

she knows how much is true and how much he imagines for the moment to be true.

"I have lived years, Dick," she says kindly "since I sat on the stone wall and talked to you. I told you then, I think, that I did not love you as you loved me, and since then I have made a discovery that has changed the situation materially."

"What can change my love for you?"

"The fact, Dick, that I have no affection to give you. I will be frank. I thought you were my first lover, and I was grateful to you as every woman should be to her first lover. But I think, I have hope, that some one who is a thousand times dearer to me than you could ever have been, has loved me longer and as faithfully. It is the truth, Dick, and I hope it is not hard."

It is hard. He does not take it kindly.

"Then you have been amusing yourself with me."

"No. Then I had no hope. I was quite as much in earnest as you were." She thinks of Mrs. Carter, as she says it. "I did not deceive you—at least I tried not to. I did not know then that I cared for any one else. It was a surprise and a revelation when I discovered it. Don't you know that you really love Nellie, and only imagine that you love me?"

The suddenness of the question confuses him. He stammers, and then says, "I love my aunt very dearly, of course; but—"

"Stop," she interrupts gently, "don't say 'but.' Do not qualify it. You know that you love her and no one else. If you do not know it, read your own heart and you will learn it. Do not be ashamed to own your mistake to me as I have owned mine to you. It will not give me pain, but pleasure to know it. She has loved

you for years. As a matter of duty—if your inclinations did not point that way—you should be kind to her and not give her pain. How much more untrue you would be when your heart points to her—untrue to her and to yourself!”

“I will not deny that I love my aunt,” he replies, “but it is not as I love you. I love her as I have loved her all my life.”

“Have you not made the discovery lately that the love you speak of is very precious?”

“How? I don’t understand.” He stammers, and feels guilty.

“Did you not feel jealous and angry at Billy’s attentions to her? Did you not resent the idea that he should marry her?”

“Yes, I did,” he admits.

“I understand better than you imagine, how you feel. Would you give her to Billy for a wife, if I were willing to do what I suggested—take you for a husband? Answer truthfully.”

He is silent.

“Go home, like a good boy. Take your aunt in your arms, and ask her to marry you. She will refuse. Persist, and she will consent. Then come to me when you are married and I will kiss you—as many times as Billy may kiss her.

‘None, seeing us cloven in sunder,
Will weep or laugh or wonder ;
Light love stands clear of thunder,
And safe from winds at sea.’

We have lost nothing and gained much from our little idyl. It will be a pleasant memory of a pleasant hour

among woods and flowers—with not even the recollection of a black ant or tree frog to mar it.”

“ And this is my dismissal ? ”

He cannot help a feeling that he is out in the cold, and the door shut in his face.

“ Don’t call it that,” she says kindly. “ It is dismissal when the game is finished, the oil burned out, the play over ; but that is fate. It is the end of all human action. Ours has had a happier ending than if it had dragged out to satiety and disgust.”

“ Are you love-making ? May I intrude ? ” Smith has worked off his slight temper in the letter and is at ease with the world.

“ Come here by me, Billy.”

He sits down, gingerly, on the hammock. She leans against him and his arm passes around her waist. It is entirely unconscious, but Dick understands. It affords food for reflection for many a day.

“ I hope I didn’t disturb you,” Smith says. “ But every one seems to have paired off to-night. Even Gyp has a young man from the hotel with her. Is this hammock safe ? ” The pressure of his arm shows that he is concerned for her alone.

“ It is one you tested.”

“ What were you talking about ? I have interrupted your conversation.”

“ No, it had come to an end. We were talking about our first loves. Dick is just coming to a realizing sense of what he came near losing, and so am I. And we were comparing notes. I have promised to kiss him—he did not ask me to, but I know he would like to have me—as many times as you kiss his sweetheart. I know you would like to.”

"That's the offer of the turkey and the woodchuck. Does it not take a woman, Dick, to put an alternative illogically, so that they will always get the best of one? Why don't you say turkey to me?"

"Well," she says demurely, "Dick may kiss me as many times as his sweetheart kisses you."

"That's an offer of the woodchuck and the turkey, which I appreciate. But Dick would want more, for one kiss from a woman is worth ten to a woman. I am afraid something has come over you, *ma petite*, you seem to have lost your love for logic."

"That's good for a steady diet; but I think—do you know—that it needs sweetening—with a little dessert—the love of man for a woman. It's illogical—and it constantly has to begin all over again—as one drinks a cup of tea—it's new love and new tea—but it is always refreshing—particularly when poured from the same pot—into the same cup. One grows to like a certain brew—of one as well as the other."

"There speaks the heart not the mind of a woman," Smith's voice trembles slightly. "If we were perfect automata, logic would be enough. But we are imperfect—afflicted with hearts—and you have put the proper compromise between that and the intellect."

"Could any one put points as she puts them?" asks Dick. "Here she has been preaching to me that love dies with the kiss, and this is the very opposite sentiment, yet the two statements don't conflict, as she words them. It's sophistry that even old—what was his name?"

"Sophocles?" Smith suggests, with an innocence that makes Mabelle laugh.

"—that even old Sophocles would turn green with

envy at listening to. Nellie and I were talking about love the other night, and we agreed that it was a passion, like anger or disgust, without reason, or cause, or philosophy."

"Ah! it is she whom I am to kiss. I congratulate you, Dick. But you are both wrong. Have you not 'soaked with old Socrates?' Must I quote Plato to you? Philosophy is love of wisdom. No god or wise man desires wisdom, for he has it. The ignorant do not, because ignorance is the lack of perception or knowledge of the value of wisdom. Whoever knows its value is wise. Only those love wisdom who are intermediate—neither wise nor ignorant. Wisdom is the most beautiful child of the gods, and Love, the child of Poverty by Plenty, the constant companion of Want, is neither god nor man, but intermediate, always seeking wisdom to find the beauty that he lacks himself, for he is old and wrinkled and withered, as befits one whose mother is Poverty and whose companion is Want. Love is the spiritual head of all intermediates, in other words of philosophers, and consequently of all philosophy."

"You can swim," Dick says; "I can't. That's over my head. I am willing to take a great deal for granted without argument. In logic and law I am like the four fish of different colors we read about in the Arabian K. of L. If you say it is logic, I say it is logic. If you say it is the law, I say *it is the law.*"

CHAPTER XI.

There is a way which seemeth right unto a man,
But the end thereof are the ways of death.

Prov. XIV, 12.

SMITH in his letter advised Brown, if he had his daughter's address, to telegraph to her saying that her mother's health made a sea voyage necessary, and to return immediately, adding, as if the consent were given grudgingly, that she might bring her husband with her for the few days she would be at home. As the detectives had been instructed to telegraph the address as soon as discovered, he would be informed of it in a very short time, if he did not have it.

As it happened, Brown did not have the address and was compelled to wait, receiving a letter from his daughter and the dispatch almost at the same hour. His message was made as if in reply to her letter, and the pair returned to New York immediately; Robert felicitating himself with the thought that his rich father-in-law's opposition was breaking down.

His reception by Brown, though it chilled him to the marrow, did not disturb this belief. Sending his daughter to her mother, Brown invited him into the library, and asked for a description of the trip. This Robert proceeded to give in his best manner, Brown listening in silence, only now and then putting in a brief question as the speaker waited for applause.

According to Brown's instructions, the detective in

charge of the case permitted Greene to precede him by ten minutes. When his card was brought to Brown, the latter directed the servant to show him in.

"This is your prisoner, Mr. Jasper," Brown says, without rising.

Robert is facing him, his back to the door, and before he can recover from his surprise he has been handcuffed.

"You must really excuse the liberty," Mr. Jasper says, deprecatingly, "but you are so clever and so slippery, Mr. Greene, that I must do it."

Mr. Jasper likes his joke. He is not one of the solemn and earnest detectives of the story books.

Robert tries to twist the handcuffs off, hurts himself severely, and comes to a realizing sense of the situation.

"Will you explain this outrage?" he demands defiantly.

"By virtue of this warrant, Mr. Greene, which is signed by one of the justices of the Supreme Court, you are my prisoner. Will you come with me quietly?"

"Certainly I will. Mr. Brown, will you come with me? I may have to give bail to answer this absurd charge."

"You scoundrel! You double-dyed scoundrel!" ejaculates the other, quivering with emotion. "Don't you dare to speak to me, or—or I will choke you."

"Don't you think that you are bringing unnecessary scandal into our family?" Greene says, coolly. "This charge against me cannot be sustained. I was lawfully in possession of the \$600, and haven't had time to discharge the errand; but I have no intention of not doing it, and the only complaint that can be made is breach of trust, which is not criminal."

"Ah!" the detective says, "so you are wanted on another charge—larceny. This is only for bigamy, Mr. Greene."

"Bigamy!" He laughs lightly, but flushes. "That is absurd. My lawyer will soon settle that charge."

Brown looks at him. "I would prefer my daughter dead than the wife of such a vulgar, common-place scoundrel as you are. But alive, since she must live, I prefer her to be married rather than disgraced. Is it true? Did you or did you not marry a woman two years ago?"

"It is perfectly true that I married a woman, but she had a husband living from whom she was not divorced. Our marriage was illegal, and I was perfectly free to marry Nellie. My friend and lawyer, the Hon. William Smith, will settle this charge in two minutes."

"Without a doubt," Jasper says, dryly. "As he is the man who has had the warrant issued for your arrest, and as it was his first wife whom you married two years ago as soon as I get you to headquarters I will send him a dispatch saying you need his services. Let us hurry, Mr. Greene."

As the two men left the room, Brown sank into a chair and bowed his head upon his hands. "My Nellie, my darling," he murmured as his emotion mastered him, "would to God that I might die to spare you this disgrace!" Then the strong man gave way to bitter grief that is no shame.

"Papa! papa, can you forgive me for bringing this sorrow upon you? Do not drive me away!" The voice is hardly audible for the sobs that convulse the speaker.

Nellie is kneeling beside him, her tears flowing fast.

He opens his arms. "My darling child," he says brokenly, "have you ever had reason to doubt my love for you? Have I ever said a harsh word to you in my life? Have I ever refused you anything that it was proper and right for you to have? Do you think that now, when your great sorrow has come, when a black cloud has rolled over your young life, that I shall withdraw the love that has been yours for the past sixteen years? Nellie, my daughter, you and I must be brave and strong to meet this disgrace, for your mother's sake. It has nearly killed her."

"But, papa, is it—is it anything wicked? I should be glad never to see him again. I do not love him or care for him. He is a bad man, and I was very, very wrong to marry him without your consent; but papa, I *have* been his wife, these past few weeks? O, papa, don't tell me that I have not!"

Her piteous entreaty pierces him to the heart. "My child, my child, what can I say to you?"

"But papa, I must be his wife. The court discharged him!"

"My child, the court did not know he had another wife living. If he had been free to marry you, you would be his wife. But he was not, and the court then thought he was. He met his wife when with you at Long Branch and ran away from her."

She shudders, "But, papa, he told me, last week, that years ago—he did not say how many—he married a woman who had a husband living from whom she had never been divorced, and that he left her as soon as he found it out. That marriage was illegal and he was perfectly free to marry me."

"My child, if what he said were true, he had no right

to marry you. The woman he married might have twenty living husbands, but he was a married man until his marriage was declared illegal by a court. He had no right alone, by himself, to declare it void; only a court could do that. A husband has no right to decide whether his wife was free to marry him, to declare she was not, and then to lawfully marry some one else. If he could do that, he could give himself a divorce whenever he pleased. A marriage must stand till a *court* decides it to be illegal. Not all courts have power to decide such cases—only the higher courts. He lied to you in every sentence. He married that woman knowing she had a husband living, knowing that she was free to marry him, and knowing his marriage was valid. She had a right to have two husbands, but he had no right to have two wives. She was poor, and he abandoned her and married you because he supposed you were rich. But he committed bigamy. He had a lawful wife living.”

She waits a minute. “How can that be? How could she have two husbands and he only one wife?”

“Jane had been deserted by Smith for five years and was free to marry. If Jane had deserted Robert Greene for five years, without his knowing her to be alive, your marriage would be legal. This is the law. But Robert married Jane two years ago, and deserted her only two days before he married you.”

“Oh!” She is shocked beyond expression.

“And I, what am I?” she asks presently, with burning cheeks. “I have been travelling with him, living with him, and I have not been his wife, only—only—O, papa, kill me, hide my shame! hide my shame! I cannot live and bear it.”

In granting the warrant, Judge Barnes had attached the affidavits on which it had been issued and had made it returnable before any magistrate. After spending the night at headquarters, Greene was taken in the morning to the Tombs police court. Smith and Brown appeared as complainants, and Justice Duffy put the bail at \$2,000. This Greene was unable to obtain, and he was taken inside the jail and committed to the care of the warden. He had less than \$20 in his pocket. He had not a friend in all the world to help him. In the middle of the Pacific or Southern ocean he would not have been more alone than he was in the swarming Tombs, between Broadway and the Bowery.

Smith telegraphed to Jane, and proceeded energetically to gather up the necessary proofs for the district attorney and grand jury. Jane gladly became a party to the prosecution, which was entirely in her interests. Her application for divorce from Greene did not in any way affect her claim against Smith. It was no admission that she was not Smith's wife, as she might lawfully be the lawful wife of two or twenty men; but the prosecution of Greene for bigamy had an important bearing upon her claim.

The section of the law under which Smith had remarried permitted the one deserted to marry again. It did not permit the deserter to marry. Both had remarried, and one or the other of the marriages must be invalid, as she looked at it—through Stryker's eyes.

"If Greene is convicted," said Stryker, "then Smith is the deserter, and his marriage with his second wife is invalid—in fact it is bigamy; but we cannot prosecute him for the bigamy because six years have passed. You become his only lawful wife. If Greene is acquitted,

then his marriage to you is invalid, and you have no husband but Smith, and he must acknowledge you as such and give you the place you are entitled to, or we will drive him out of New York. Either way you win."

The indictment was found promptly, and as it was a jail case, which must be tried within four months, both sides pressed for an immediate trial. Twenty days after his arrest, Greene faced a jury sworn to "well and truly try and true deliverance make."

There was little for the jury to do ; there was much for the court. Smith had arranged a compact and straightforward case. The facts were presented without contest.

The defence was that the marriage between Jane and Greene was invalid, Mrs. Greene having a husband living. It was admitted that she did not know, and had not known for five years that her husband was living ; but she had deserted her husband, Greenc's counsel asserted, not her husband her, and she was not entitled to remarry. She was a married woman, having a husband living within 2 R. S. 687, § 8.

This was easy to assert, but difficult to prove. Neither Jane nor Smith had been called as witnesses for the prosecution, and it would have been suicide for the defence to have called either. If Greene swore that Jane deserted Smith, he might be acquitted on this indictment, if the jury believed him, but only to be rearrested for bigamy in marrying Jane.* He was between the devil and the deep sea. If he had not committed bigamy in marrying Nellie, then he had committed bigamy in mar-

* Both parties to a bigamous marriage are equally guilty under the Penal Code, provided the first marriage is known. He admitted that he had known of Jane's previous marriage.

rying Jane. If he had not committed bigamy in marrying Jane, he certainly had committed bigamy in marrying Nellie. He had committed bigamy with one or the other. That was perfectly evident. Greene's cross-examination showed that he and Jane had been intimately acquainted from childhood, and that he had learned nothing additional concerning her first marriage between the date of his marriage to her and his marriage to Miss Brown. He acknowledged that for the five years preceding their marriage she had lived within the township where her first marriage had taken place. Two witnesses for the prosecution had already testified to the same fact.

He had no witnesses to call, and the defence rested with his testimony.

The court ruled that Mrs. Smith was free to marry. "Even if she had deserted her husband—of which there is no proof—she must have returned to her home—the home of her childhood and the home her husband provided for her, and it is the husband who absented himself during the five years preceding the second marriage, which is all we have to look to." [Exception taken.]

"Nor do I see how it would help the defendant," remarked the Recorder dryly, "to prove that his wife had no right to marry. He admits that he has been acquainted with her since before her first marriage; that he was fully acquainted with all the circumstances relating to it; and if this be true he simply interposes a plea of guilty of bigamy with her." [Exception taken.]

Greene's counsel had been assigned by the court. He understood but little of the case, and took still less interest in it. His allegation that Mrs. Smith-Greene had deserted her first husband was merely in the nature

of a bluff. He had no other possible defence. He knew that, with Smith and Jane in court, neither being called upon to testify, there was something kept back by the prosecution—but he did not care particularly what it was. Whether his client went to the state prison or not was a matter of indifference. He knew that he was guilty of bigamy in one or the other of the marriages, that he was an uninteresting and commonplace criminal, and he preferred that he should go. Had a swinging fee been in his pocket it would have been a different matter, and Greene might have been acquitted. As it was, he made a technical defence, did all that could be expected of a lawyer working without pay, made an excellent case on which to go to the Supreme Court for a new trial, and with a feeling of satisfaction, heard the jury bring in a verdict of guilty.

The court imposed a sentence of four years and six months, and the “gay Lothario” from the backwoods of Jefferson Conuty, who had overestimated his knowledge of the law, found that he had to pay the penalty for his ignorance—that no man can have two wives in the State of New York unless he goes through the proper routine, and complies with the easy conditions laid down by the Court of Appeals.

A certified copy of the proceedings in the criminal suit was made a part of Jane’s application for divorce, and the latter was immediately granted. This practically added a doom of perpetual celibacy to Greene’s sentence. Upon proof of “uniform good conduct” after five years, the defendant in a divorce suit may obtain permission to marry again, if the plaintiff has remarried. But no court will accept time spent in the State prison as “good conduct.”

When Robert Greene is released, in 1890, he will be a married man without a wife. He will never be able during Jane's lifetime to marry in this state without committing bigamy again, except by going to Kansas and bringing an action for divorce from Jane. If he can by trick or device lure her into that state, and serve the papers on her while she is on Kansas soil, he may get a divorce that will be valid in this state, for Kansas recognizes as one of the causes sufficient for divorce the fact that the defendant has obtained a divorce against the plaintiff. It is the only state that provides for such cases.

When Stryker handed Mrs. Smith-Greene her decree, he advised her not to press matters for the present. Smith was a candidate for re-election to the Assembly, certain of nomination. Stryker was a candidate for Congress; and his nomination was very doubtful. If nominated, his defeat was probable; but he was ambitious for the nomination. It would be a good "advertisement," and worth the cost. He was looking to the nomination for the State Senate in 1887. Smith's political influence was not measured by his office, and if it should be actively exerted against him in the Congressional convention, the nomination for Congress would go to another, and with it his hopes the next year for a seat in the State Senate. It was not good politics to quarrel just then with the strongest man of his party in the Senatorial district and the "boss" of one-third of it.

This he did not explain to Jane. Nor did he explain to her that his intention from the beginning had been to get Smith "on the hip," and then sell her out on condition that the latter should assist him in his political schemes.

Instead of bringing the suit anticipated by Smith, Stryker sent him a friendly letter informing him of Jane's mind and what she required, suggesting, as both were lawyers, that a conference should be held and a full understanding arrived at as to the facts. It was not probable, he added, that there would be any disagreement as to the law. It was a most unfortunate entanglement, and if he could use any influence toward a satisfactory adjustment it would give him the greatest pleasure to do so.

To this Smith replied briefly, accepting the proposition, provided a third party should be added, and that any subsequent legal proceedings should accept the finding as agreed upon by the three as a basis of complaint. He submitted six names, all of personal friends of Stryker, any one whom would be acceptable to him as the third party.

Stryker accepted the modification and the first name on the list, that of an ex-judge of the Supreme Court.

Smith's action was to prevent any attack on the validity of his second marriage by a suit for divorce naming Mabelle as the co-respondent. The conviction of Greene had left on him the onus of the desertion, and if he were the deserter he had not been free to remarry. He felt able to repel any assault, but he did not wish the assault made, for he knew it would be a fierce one and take all his strength to meet it. That Mabelle would not forgive such an aspersion, nor him for bringing it upon her, he accepted as a fact.

Skin for skin, aye, all that he hath,
A man will give for his wife;

and he was willing to fight to the death for Mabelle: to give all that he had, both skin and fortune.

But the more he brooded over the situation the more discouraged he became. If Mabelle felt toward him as he felt toward her, there was nothing to fear. But this he considered impossible. She had literally become a part of his life. That he was more to her than a dear friend and relative, he did not even for a moment imagine. That she would be willing to make any great sacrifice to retain him for a husband, he did not believe. Her confession that she could not give him up to Jane carried but little weight, although it was a great consolation, for he believed that it had been in part wrung from her sympathies in a moment when they were excited by his own distress. That she had been married against her will; that her action on arriving at the age of consent had been to repudiate the marriage; that she had merely submitted to force and the inevitable when beaten in her effort to have it annulled; that she had seized upon Jane's return to practically set the marriage aside; that all her shy affection for him had budded and bloomed since, with Jane's return, he had ceased to be her husband and become only her uncle and guardian; that she would not under any circumstances willingly resume the old relations; that any attempt on his part to do so would result in the death of this new-born affection so precious to him; and that any chance to void the marriage and make permanent the relations that now sat easily and lightly must necessarily afford her pleasure, were thoughts that came to him hourly. That she loved him as a father and as a brother, giving him the affection that might have been theirs had they lived, he thoroughly believed. And in this he was right. This was the broad base of her love for him. But there was more than foundation,

Not even to Frank could he confide any of his feelings concerning Mabelle, beyond his brief, "Yes, I *am* hard hit, and I know it. Condemned odd, isn't it, for a man six years married to fall in love with his wife?" Of Jane he talked freely; and Frank's two weeks' visit was of the greatest service in relieving his mind of the tension put upon it.

The death of Robinson from disease of the heart, superinduced by the excitement of his trial and the subsequent affirmation of his sentence by the General Term left the way clear to the re-marriage of Mrs. Robinson.

Mabelle had been perfectly right in her diagnosis that between Frank and Fanny it had been a case of true love resurrected after twelve years, and she studied it with interest. Frank was a bold wooer, once "a true bill" had been found, and he treated Hymen as he would a judge—bringing his cause at once to trial and urging his suit with all the eloquence he could command. Mabelle and Smith formed the jury—and it was entirely for the plaintiff—first, last, and all the time. But Fanny's own heart made the strongest plea for Frank, and she finally surrendered at discretion. On one point only was she obstinate; that the marriage should not take place for a year from the time Robinson had procured the divorce from her. At first she had insisted upon a year from the date of Robinson's death; but finally she retreated to the other date, and there made a stand which nothing could shake.

"Why are you so cruel to your lover?" Mabelle asks her. "Has he not waited, have you not waited long enough?"

"It does not seem decent," she replied. "There is a strong objection among some people to any remarriage,

and it is founded on common-sense. But at least some little time should intervene, and a year is short enough. I could not believe it was marriage. It would seem like immorality to act differently."

"You are perfectly right, dear, and I honor you for it. Without doubt the custom of waiting a year is founded on right feeling. I remember that among some people there were laws forbidding the marriage of a widow within twelve months of her husband's death. But in this day and generation we disobey Solomon and remove the ancient landmarks. The world believes in the polygamy of the Old Testament, but in nothing else. Solomon and his seven hundred wives it understands, but Solomon and his wisdom it does not."

"I do not know whether it is custom or law; whether it be wise or unwise. All I know is, that I must have time and opportunity to forget one man before I let another kiss me."

Mabelle laughs softly. "There are few women like you in the world, Fanny. As a rule they prefer to sample the kisses to see if they can find any which taste sweeter. Frank need never fear that you will have a lover."

"I should hope not." - Fanny is indignant. She does not understand the "higher civilization" of the educated and wealthy.

Billy rallies Frank good-naturedly on his impatience.

"See here, old man," he says to him, "the decision is in your favor. You must not expect to see the case reported and bound and in your library within a month."

"That's very well, Billy; you may be willing to wait a year before you marry her, but I am not."

"How about Proserpine?" the other asks, gravely.

Frank's face pales slightly. His lips compress, but no word comes.

"Would you not have been willing to wait years for her?"

"Yes, for life, if her love had been mine beyond the pit. But she is dead to me now. She died last summer—that night when your words made me realize all that she was to me. Don't let me bring up the old sorrow and the old fight. I went into court the next day without having closed my eyes. The unsodded mound is still high over the grave in which I buried my love."

"Then wait, Frank, till the frost and snow of winter and the rains of spring have washed it down. Let it be a mark of respect to her memory. By all the gods, if I were to lose her—and there are times when I fear I shall—I should never marry, or even say a flattering word to another woman while I lived."

"She loves you, Billy," the other replies, quietly. "I feel confident that you will not lose her. I was talking with her the other day about Jane, and there was something in her face, her voice, her manner when she alluded to you that showed me you were the only man in the world to her. More, she is holding back something about Jane that she has learned. When she spoke of her there was pity in her voice. 'She cannot take my husband from me,' she said. 'Her fight is a vain one.' I thought at first it meant that you loved only her, until I saw her eyes fall on an open letter lying on the table, and a gleam of triumph come to them. Then I knew that she was fighting to keep you, and that it was a duel between her and Jane. Trust her, Billy, trust her. I have more confidence that she will bring

you safely out of all your trouble than I have in any of your arguments."

"You are trying to comfort me," Smith replies sadly. "I thank you, Frank, and if I could believe as you do I would have no fears. But the question resolves itself into this. Mabelle will not live in polygamy with me or any man, nor would I be willing to have her. Nor will I live with any woman as a wife except her. That Jane is my wife I am forced to admit. Even though my second marriage is legal, and I believe it is, it does not help me. Whether I live with Jane has no bearing on the case. I might pay her to go to Australia, but that would not help me with Mabelle. She will never be my wife until Jane is dead—if she will then. Her nominal bonds of marriage may never be broken—but her affection will die out, there will be talk and gossip and scandal that will kill it. I have ruined her life, and when she appreciates it she will hate me—as she once hated me."

"Are you quite sure that Jane is your wife?" A peculiar tone in the voice brings Smith to his feet. "Mabelle does not believe it. That is her secret. It is upon that she is resting her case. I have divined it from her conversation."

"There is not the slightest doubt that Jane is my wife," Smith replies. "If Mabelle is trusting to such a broken reed she will suffer but the more. She has been deceived in some way."

"I will trust her," Frank says, confidently.

"Then for once you will be beaten. There is no escape. *It is the law.*"

CHAPTER XII.

She openeth her mouth with wisdom,
And the law of kindness is on her tongue.

Prov. xxxi. 26.

FIVE people are seated in Mabelle's retreat. For some reason known only to herself she has insisted upon the conference being held there, and Stryker assents without regard to Jane's objections. Jane mutely protests by refusing to remove her bonnet, and sits upright on a sofa, while the others avail themselves of the comfort of the easy chairs.

"As I understand it," ex-Judge Dayton is saying, "this is merely a friendly meeting for a clear understanding of the situation, and an endeavor to arrive at an amicable understanding, if that be possible, which shall satisfy all parties. I am very glad to see such a spirit. In a large percentage of cases it would stop all litigation, and I am willing to do all in my power to foster it. But what am I to do?"

"You are to see that I get my rights—my rights as William's wife," Jane says, rather tartly.

Dayton bends his white head courteously.

"I have asked you to act as the adviser of all parties," Smith says, a little wearily. "You are absolutely without prejudice or favor, and on matters where we cannot agree or do not see the way to an agreement, a word from one who can be trusted goes far to bringing about an understanding."

"Would it not be well for you to make a brief statement? It will then be easier to build the facts that are not in dispute. I understand the general facts, but we should proceed as if all were unknown."

"The facts, as I regard them, are that I have been twice married—once in 1874, and again in 1880. Both marriages are legal. I assert that my first wife deserted me in 1874; that I spent many thousand dollars trying to trace her, and that when I remarried, I was fully authorized to do so. My second wife is entitled to have this second marriage set aside, if she so desires; but she does not desire to do it—at present, at least."

"If she had any sense of—"

Stryker grasps Jane's arm so fiercely that the latter stops short.

"In that she acts wisely and properly," Dayton says with some slight emphasis. "She is placed in a very unpleasant position, through no fault of her own; and the law very justly gives her absolute power to control it."

"But I deny that she is his wife," Jane says, fiercely. "I never deserted him. He deserted me."

"Will you let me manage this case?" Stryker asks her *sotto voce*. "If you wish it, I will resign it to you. If not, you must keep quiet."

"Do you make this claim?" Smith's weariness is gone. He is active, alert, ready for battle.

"I am sorry to say, we do," Stryker replies. "The conviction of Greene was based on the implied decision by the court that my client, having been deserted, was entitled to marry again. The deserter had no right to remarry. That privilege is given only to the one deserted. We therefore hold that your second mar-

is not lawful. There was an Indiana divorce, but you concede that it had no real validity, I suppose, since it formed no part of your statement. From the time you married my client, in 1874, she has lived within a few miles of her birthplace, leaving it only for brief visits, but retaining residence within the township where you left her. Our case is impregnable in that respect. I do not see where you get your right to marry again. My client asserts that she is the only lawful wife you have."

Mabelle smiles to herself.

"I think you are misinformed." Smith controls his temper perfectly. "I was married in July. We lived together until September, when I had to go back to college. The rent of our house was paid up to September, 1875. I left my wife \$135, and she said that she thought she would close the house and live with her parents until the Christmas holidays, when I was to return. In October I sent her \$40, in November, \$60, and later in the month she wrote to me and I sent her \$150."

"You sent me the \$60 in October and the \$40 in November. I wrote for more because \$40 was not enough. You sent \$25 you did not mention, in September."

"This was the last letter I received from her." Smith does not notice Jane's interruption. "I wrote regularly, every week. Just before the Christmas holidays one of my letters was returned by the postmaster, marked 'Gone away; address unknown.' I happened to find it the other day. Here it is. As soon as the holidays came, I went to Ridgeville with Frank Brooks, and we found that my wife and her family had sold off everything, including the lease of my house, and gone

to Philadelphia. We spent two days searching. Not one of her friends could give me any definite information."

"It was none of their business. We told them we were going to Philadelphia; but we went to Oil City. Father owned a farm near there, and he had creditors who might have followed him."

"The next June I went up there again, having vainly advertised for her address in all the Philadelphia papers and in all the papers published in Jefferson County. I spent a week. Then I put the search in the hands of detectives. Here are their reports and bills. They are all living to testify. I had to go to Europe in July, with my father; but the detectives worked on the case for two years before they gave it up. They followed up fifteen or twenty 'clues' and advertised in more than that number of papers. If you will examine these papers and vouchers, you will see that I spent nearly \$5,000 in this search. I submit to your sense of fairness, Stryker, whether my return to my college was desertion, and whether a man could be expected to do more than I did to find a lost wife."

"When did you return from Oil City to Tipton?" Stryker asks Jane.

"In the summer of 1877. When I found out that you really did care for me," she says to Smith, "and were searching, I wrote twice to the college; but you did not answer me."

"I did not get your letters, Jane. My address was not known at the college in 1877, and your letters went to the dead-letter office."

There is a ghost of a smile on Dayton's face as he asks, "Well, brother Stryker, what is your opinion?"

"This puts a different face on the matter," Stryker replies, laying down the last of the papers, which he has looked through carefully. He knows when he is beaten without waiting for the bystanders to tell him. We will abandon our claim—we must—that the second marriage is illegal,"

"I will not," Jane says; "my husband deserted me when he left me."

"You will have to, madame," Dayton says, gently. Your husband had a right to leave his home. He left you in the one he had provided, and sent you money regularly. You sold the lease of his home and his furniture and went away without letting him know where. No lawyer would take your case to dispute the fact that you deserted him. He was not required to spend one dollar in searching for you."

"Well," Stryker breaks in, cheerfully, "granted all this there can be no dispute that my client is now the first wife and lawful wife of my friend, Smith. The question is, what does he propose to do?"

"I am perfectly willing," Smith says, with some bitterness, for though he has saved Mabelle's honor, he feels that he has lost her as a wife, "to pay her one-third my income, or one-half, or whatever may be satisfactory, provided she will live apart and at least one hundred miles away."

"I will never consent, never!" Jane is hot and angry. "William Smith, I am your lawful wife. I insist upon being treated as such. I have done nothing, *nothing* to cause you to put me away, and I won't be put away as if I were a guilty and unfaithful wife. You shall not live with your new love. I do not want your money. I want my rights. I have done nothing to forfeit them."

"You forget, do you not," said Mabelle,* that it has been conceded that your marriage to Mr. Greene was bigamous, and that you can be prosecuted for bigamy? Felonies can be prosecuted within five years. That is your present position, but only for a few minutes while the case stands where it does now." It is Mabelle's first word.

"I am willing to grant," Smith says, "that for the five years preceding Jane's marriage to Greene I had deserted her. I hold there has been double desertion, first hers, then mine—and that both were free to remarry."

Jane is white with rage. "Do you *dare*! I do not believe *your* marriage is legal. All this talk is bosh. No court will declare it so. My husband will not under oath say he believes it is. If it is, why did he get a worthless Indiana divorce? To satisfy his conscience? Bah! That Indiana divorce is the key to the whole controversy, and shows that all the talk of my desertion is humbug."

"Yes. The Indiana divorce is the key," Mabelle says quietly.

"Why don't you bring out the Indiana divorce? Why don't you make him explain *why* he obtained it, if he was free to marry?"

"Never mind the Indiana divorce," Stryker replies to her demand. He has a vague feeling as he looks at Mabelle that it is a trap. "It is conceded to be illegal. What more do you want?"

"That it shall be thoroughly investigated," says Jane. "In it will be found the proof that her only claim to be called his wife rests upon it. If it is invalid, she is not his wife, and I am his only lawful wife."

"And if you were, and if there were not another

human being on earth, I swear by all the gods that I would never again speak to you while I lived," Smith says, with passion.

Jane cowers and is silent. She likes him, in her way, and his words give her a pain sharper than she has ever before experienced. They are the first unkind words he has ever spoken to her. He had been so entirely subject to her will in the old days that she did not realize that any change could be possible—except temporarily under Mabelle's influence.

"She is perfectly right," Mabelle says to Dayton. "Nothing that has thus far been said has touched the real issue."

"Have you the divorcee handy?" Dayton asks.

Smith hands it to him and he seans it with attention.

"This is a waste of time," Stryker remarks. "You admit, Smith, that it is only a piece of waste paper?"

"On the subject of this Indiana divorce, I wish to appear for my husband," Mabelle says quickly, before Smith can reply. "I will prove to you in ten minutes, Mr. Stryker, and to you, Mr. Dayton, and to you, Billy, that it is a perfectly valid divorce; valid in every state in this Union and wherever comity exists among nations."

Dayton looks at her with keen interest, Smith in perfect astonishment, Stryker in disgust. The latter has a very low opinion of the female intellect. For women to meddle in legal matters or in questions requiring reason he would make a misdemeanor if he could.

"It will be admitted," she continues, "that if the Indiana Court had jurisdiction over three things, viz: the subject-matter, the person of the plaintiff, and the person of the defendant, its judgment must, under the Federal Constitution, be recognized as valid by every

Court in the United States. Here is the 95th volume of the Supreme Court Reports. You can see the decision in the case of *Pennoyer vs. Neff*, on page 714."

"That I grant," Stryker says, testily, annoyed at what he regards as the argument of a pert child; "but the Court had no jurisdiction over the person of the defendant—who, it is admitted, was a resident of New York—and could not change, modify, or alter her marriage relations outside the State of Indiana."

"It had full and complete jurisdiction over her at that time. When this suit was brought, and when this divorce was granted, both the plaintiff and defendant were not only residents of Indiana, but citizens of Indiana, and of the same county."

Stryker stares at her. This evidently is no pert child. Her distinction between a resident and a citizen startles him into recognition that she may be different from Jane.

"The defendant," she continues, in the same calm voice, "during the year 1879 lived at Sabine, in the county of Marion, having removed there permanently from New York, and acquired citizenship. The plaintiff was a freeholder in the same county, living at the county seat, Indianapolis, a few miles distant from the residence of the defendant. Here are his tax receipts for that year and the preceding and following years. Here is the affidavit of the Baptist clergyman that the defendant lived at Sabine during the year 1879, and here are her receipts for the money paid her for work performed for eight residents. Here is a certified copy of her affidavit attached to an application for an appointment by the School Board, in which she swears she is a citizen of the State of Indiana and a resident of Marion County."

"Is this true?" Stryker asks Mrs. Smith-Greene, roughly.

"Why, yes, I lived there during that year. What has that got to do with it?" Her temper is rising again. If she could reach Mabelle with her parasol she would jab her. She does not understand the points, only that this sweet-voiced woman is cutting ground from under her feet.

"It has a great deal, as you will find," he replies, as he turns to listen, no longer with a patronizing air.

"Mere residence within the State and County is not enough to bring her within the jurisdiction of the court, without proof of sufficient service of the summons and complaint upon the defendant. The summons in this action was not personally served, nor was it nailed upon her door. The reason why was because her residence was unknown to the plaintiff. He had spent \$5,000 in searching for her, as you already know. Here are the bills, which you examined a few minutes ago, for advertising and from detectives engaged. They were part of the testimony in the suit for divorce to show how diligently the defendant had been sought. The summons was published for six weeks, in the six leading newspapers of Marion County, and the complaint was filed with the county clerk."

"That is not sufficient service," Stryker says, uneasily.

Everything has been so perfect thus far that he begins to feel there is danger ahead.

"In 1851 the Legislature of that State passed a special law—here are the 'Session Laws of 1851;' you may read it for yourself, Mr. Stryker, on page 135—providing that in suits at law between *citizens* of the State (residents are not mentioned), not brought to re-

cover real or personal property or for damages, when the defendant shall be in hiding, or when the defendant's address shall have been duly and diligently sought and not found, upon satisfactory proof to the court of these facts, judgment by default may be entered upon the failure of the defendant to appear and answer after reasonable publication of said summons in two or more newspapers of the county wherein said defendant resides, and the filing of the complaint with the clerk of the county. 'This publication shall be deemed and adjudged the same as personal service,' the law says, 'unless fraud be shown, in that this publication has been kept by trick or device from the knowledge of the defendant, or unless it be shown that the defendant was not within the county at the time of publication.' This is a peculiarly worded law, Mr. Stryker, and it was passed many years ago. I do not understand its object or motive; but you probably will. It may have been repealed, but that it had not been repealed the year this divorce was granted, is evident from the language of the court in the case of *Herman vs. Lee*, tried the next year. See page 398."

She passes the book over to Stryker, who is no longer in doubt as to the danger. He sees it clearly.

Smith's face flushes and pales with emotion. He is saved—by her, as she promised! Now he understands not only her words, but her actions. She knew that she was his only wife and that Jane had no claim. More than that, she has given herself to him of her own free will. He looks at her with tenderness and pride struggling for the mastery.

"By accident, not by design," she continues, "the plaintiff's attorneys conformed in the minutest particular

to the requirements of the law. But the law looks only to performance, not to intention. Here are six successive issues of the Indianapolis *Weekly Sentinel* containing the advertisement; here is the affidavit of the business manager that they are genuine copies, and that at the time the defendant was a subscriber; here is the affidavit of the postmaster at Sabine that she was a member of his club, and that he delivered her the paper weekly while she was a subscriber, with the exception of one week in June, when the advertisement did not appear; here are the other papers published in the county, each containing the advertisement, and the affidavits of their publishers that it ran for six weeks. There can be no allegation of fraud in keeping the publication from her, nor can she plead absence from the county, and this publication must be 'deemed and adjudged the same as personal service.' "

Stryker says nothing when Mabelle pauses. He has been beaten before, but never has he been beaten so thoroughly and so completely. And he has been beaten by a woman! He glances from the books she has handed him to her, and from her to the books. He cannot comprehend it.

"How did I know that I was the Jane Smith advertised for? When I read it I supposed of course that it was some other woman of my name. How was I to know?" Jane is bitter and vicious with a premonition of defeat. Mabelle takes no notice of her remark.

"You will grant, perhaps, Mr. Stryker, that each State has the right to decide for itself by what means its own courts shall acquire jurisdiction over its own citizens? If not, I can—"

"I will grant that; I will grant the personal service;

I will grant that the divorce is perfectly valid. I have been deceived about the facts. I have been deceived from the beginning to the end of this case. I withdraw all claims."

"I do not see any other course left, brother Stryker," remarks ex-Judge Dayton. "Our learned sister-in-the-law has presented the case with such judicial fairness and such remarkable lucidity, that no exception can possibly be taken to any point. During my eighteen years on the bench I never heard from so young a pleader anything approaching it for brevity, completeness, arrangement, and scope."

As he probably had never listened before to so young a pleader, the compliment was not so broad as it might seem to one who did not fully apprehend the difference between the meaning expressed by the sound and that expressed by the sense.

"This is a surprise to you?" There is a curious half-laugh in Stryker's voice as he turns to Smith.

"As great a surprise to me as it is to you. I knew nothing of Jane's visit to Indiana or of the Indiana law of 1851. I have always looked upon the divorce as invalid and never thought of putting it in bar."

"Your wife then is the better lawyer. I shall be careful hereafter, in taking briefs when you are on the other side, to ask whether you are retained alone or whether I have to oppose both of you. Your shingle should read 'Mrs. and Mr. William Smith, Counsellors-at-Law.' Mrs. Smith, I offer you an equal partnership in my law business. It is the only way I have of showing that I bear no malice for defeat at your hands."

Mabelle smiles good-naturedly. "Do not quiz me, Mr. Stryker. I studied the marriage and divorce laws

with ex-Judge Abbott, when a school-girl; and I am glad I did, for I have saved my husband and my peace of mind. But I know no other law."

"How long have you known of this, Mabelle?" Smith asks, in a low voice.

"Ever since the day I learned of Jane. Do you think if I had not known it I could possibly have—" She flushes up and does not complete the sentence, but picks up and arranges the scattered books.

All except Jane understand her, and they feel that she is indeed "far above rubies." A silence born not of admiration, but of honor and respect falls upon the group.

Jane breaks it. "Will you please explain what all this means?" she asks, icily. "I have not studied law with an ex-judge, and I do not see that any explanation has been made why this illegal divorce was obtained. I should like to hear my husband's reasons."

"It means, Mrs. Greene," Dayton says, kindly, but with a slight emphasis on the name, "that we find the Indiana divorce perfectly valid, and Mrs. Smith has shown us that you did not commit bigamy in marrying Mr. Greene; that you had been lawfully divorced four years before from Mr. Smith. You are not his wife, and you have not been since 1879. You have no claim upon him—not the slightest. Your counsel admits it."

"But *I* will not admit it. It is all a conspiracy. You have been bought with her money," she turns to Stryker in her passionate anger. "She has paid you to let her triumph over me. But she shall not. I will have justice. I will appeal to the courts and to the world. You have sold out my case, but the world shall know you for the fraud and villain that you are. As for you,

Miss, you may rejoice at present ; you may keep your paramour uncle for a few weeks ; but I will have my revenge on you—and I will have my husband.”

She has risen while speaking, and she walks to the door, which she opens, but turns for a last word.

“Willie !” she says, “Willie !” There is no trace of anger in her voice. “Remember our love and our vows and come with me. I am your wife in the sight of heaven.”

“You are the divorced wife of Robert Greene,” Stryker says, coolly. It is his revenge for her insult. “I will go with you.”

And he does.

When the door closes, Dayton takes Mabelle’s hand. “You must not let anything she says worry you. No lawyer will take her case. No court will give her judgment. She sees the weakness of her claim, but is not willing to admit it. You will never hear from her again. She will talk, but she will be afraid to act. She may bluster, yet she knows in her heart that her defeat is not only founded in justice but in the law.”

“Yes,” Mabelle replies, slowly ; “but I pity her. Indeed I do. I would be a sister and friend to her if she would let me. My triumph has brought more sorrow to me than defeat has brought to her. I shall never be quite happy, for I cannot forget her last appeal.

“You must put aside all such morbid thoughts, my dear, and remember that it is not you, but the law. If she suffers, it is her fault, not yours or the law’s. The law is holy and its commandments righteous, St. Paul says. Pity her transgression, if you like, but do not condemn her punishment. That would be wrong, for *it is the law.*”

CHAPTER XIII.

And she laugheth at the time to come.

Prov. xxxi. 25.

"So this was your speculation!" Smith says, when the door closes upon Dayton, and husband and wife are once more alone. He stands by the small table looking at the neat pile of books and the envelopes arranged and numbered. His voice is low, and only the slow and hesitating utterance betrays his emotion.

"Yes," she replies, with a little smile and blush, as she seats herself in a small rocker, and leans back looking at the grate, her hands locked behind her head. "This is my speculation. And I have won."

She glances shyly at him as she half whispers the latter words.

"Do you know what it means?" he asks, after a moment's pause, during which he has taken her seat by the table. There is a world of tenderness and of sadness in his voice, which she is quick to catch.

She nods slightly, the blush deepening.

"You have burned your ships. You are my wife for life. Our marriage now can never be set aside or annulled; nor can you get a divorce. I had no other wife when we were married, and the sins of my youth have been condoned. I love you so honestly and devotedly, Mabelle, that I can feel no selfish joy at what you have

done for friendship's sake. My heart is filled with a great fear of the time that will come when you will most bitterly regret this sacrifice; when you will wish you had held your peace and left a door open through which to retreat. Such a sacrifice should only have been given to one you love; and you will yet love some one with your whole mind and soul—when it will be too late."

He looks away from her, at the ashes in the grate. There is a slight flame and a thin spiral of blue smoke from a small piece of the soft coal in one corner, and he forgets not only the pain which the concentrated bitterness of the last five words reveal, but even the present, in watching it and wondering how long it will last.

She comes and sits down on his knee, leans her shoulder against his, puts her left arm around his neck, and looks him in the eyes, her own very bright and her face flushed.

"Look in my eyes, Billy. Do you see a face in them?"

"I see my own."

"Don't you know that it is the dearest one in the world to me, *now*? that no other ever can or ever will be so dear?" His face pales and then flushes in a wave of color. His arm around her waist presses convulsively; but he does not interrupt her—he cannot. "The love of my life came to me nearly two years ago, Billy, and—and—it nearly broke my heart."

Her voice catches.

"And all for nothing, Billy," she continues, with a half-laugh and sob, "all for nothing. I thought you had another wife—and—you know what else besides. I could not share you with them, Billy. I shuddered at

your caresses because they were not mine, nor for me ; but only lent to me by another woman, as I thought. And my heart was eaten up with jealousy and anger and wild rage—until that day you brought Jane. Going down to Arnold's, Fanny told me of the year Jane lived in Indiana, and that night at the Casino you said that the 'others' had been but were not. I cried myself to sleep that night, not from joy so much as from a sense of relief. Do you remember in the fairy story how the faithful Henry puts three iron bands around his heart, and when the peril passes they break, one after another ? Two of the bands around my heart broke that day, and the third has broken to-night. Tell me that you love me, Billy, and no one else, or I shall die of shame for saying this."

The tears are in his eyes long before she has finished. He gathers her closely to him as a mother gathers a child that is in pain, and her last words are almost inaudible.

He does not answer at once, but his labored breathing, the agitation he is trying to control, are perfectly satisfactory. When he speaks it is with a sob.

"I love you, Mabelle, better than I love life, and as a man can only love one woman in one life. You are part of me. Your thoughts are my thoughts, your wishes my wishes, and your life my life. Your nature has become so blended with mine that I could not do of my own volition what you would not do of yours. The past, dear heart, is a dream, a bad dream, and the present is a new life for me—even without your love—which is something I cannot apprehend as yet, it is so unexpected. My joy and my happiness are in my love for you, not in your love for me. This is a pre-

cious and a sacred trust ; but I could be happy without it. You are sure, very sure, that you love me, Mabelle? It seems so odd that you should. I am nothing like the hero of your dreams, dear—rather the villain that you fly from.”

“ This is not much like flying from you, is it ? ” she asks, as her arm around him clings with gentle pressure. “ Do you know I am so happy here, against your heart, that if I had my will, I should never be anywhere else except when you put me away by main force ? ”

She looks up frankly and honestly into his face, and he bends and kisses her lips tenderly.

“ I want you to feel the same confidence, Billy, in my love for you that I feel in your love for me. We speak inaccurately, to call it love. I understand you ; and to know that your joy and happiness are alone in your love for me, is the only proof I want—the only proof there is—that it is the crowning and life love ; not the love that arises through the sense, but that which is deep rooted in the intellect—a flash of the same fire that makes heroes and martyrs for opinion’s sake and finds its complete fruition and satisfaction in the love of truth, miscalled the love of God. Did I not tell you that you would love some one like me, and that it would be the love of your life ? ”

“ Like you ! Like you ! ” he says, reproachfully. “ Nay, dear heart, my love was to be old and thin and homely ; and you—are young and beautiful and lovely.”

“ To you, Billy, because you see beyond the covering. You see with your spiritual eyes and that spiritualizes me. But I did not say what she would seem to you, only to others. We will grow old and gray together, but you will never know any change in me, nor I in

you, 'my jo, Bill.' I don't think, Billy, you will ever quite understand all that this is to me."

"And you will never regret the price you paid—out of your own money, too, you know? I shall never pay back a cent." The words are light, but the tone is full of the deepest feeling.

"I would have spent every dollar I am worth—and every dollar you are worth also—to know that you were all mine and that no other woman had a claim, legal or moral, on you. I have lived in the shadow of Jane for two years. The thought that you had another living wife has been a nightmare—sleeping and waking. It has robbed me of every pleasure in life. It has made me at times insane in my jealousy and ready to adopt any evil suggestion. Her appearance in the flesh, with the announcement that she had no claim on you and was the lawful wife of Robert Greene, which I got from Fanny's first words, gave me my first hours of happiness in your love."

"Why did you not tell me? Why did you keep the secret?"

"Because I wanted to be sure of your love for me. I wanted to see if Jane had any power over you. She is beautiful in the flesh—the type of sensuous loveliness. If she had power to draw you to her I did not want your love. I preferred religion and high fashion and a broken heart to a husband and a husband's love not all my own. And when I knew she had no power, and that your heart was mine, and mine alone—not Jane's nor another's—I wanted to give you something—the one wife of your life. Are you sorry I have?"

"I have only one regret," he says, with emotion, "and it is that I cannot thank some supernatural being for

this blessing. I do not wonder at the tenacity with which the ignorant and vicious cling to the idea of a personal God to whom they can give thanks for the happiness they do not make for themselves and do not deserve. I feel as if I must thank some one. We lose much when we give up our belief in fairies and gods. It has often been a sorrow, but never so keen as now. I feel as if I would like to pour out my soul in thanksgiving."

"That is merely the 'old Adam' of your inheritance," she replies, as she takes his hand and lays it on her cheek. "Leave such thoughts where they belong—to the criminal classes and the lunatics—and thank yourself and only yourself. No one receives a blessing he does not deserve, nor a joy he has not made for himself. You are better than all the gods ever created in the mind of man, and deserve more. There might be a personal Devil, for our misfortunes often are not our fault; but a personal God is contrary to reason and revelation. The Master was right, Billy. The Kingdom of Heaven is within us, not above us, and when we receive in our hearts the spirit of Truth, the Comforter, we are like your old friend Prometheus, whom the gates of hell could not prevail against. Have you forgotten the Greek theology, in which you so delight, that you would thank the enemy of mankind for a good gift? Go to, Billy, go to. If he should give it, it would be for a wicked purpose. We should fear the gods who bring gifts."

He takes her face between his hands, and kisses her eyes and lips.

"You cannot tempt me, my heart's delight, into any discussion that will carry me away from this subject of

which my heart is full. The bait is tempting to a hungry fish; but I am not a-hungry. Your theology is put forward to be combatted, not defended. What for?"

"So that I can lie here in your arms and hear you talk. You are not hungry, Billy. But just think how hungry I must be! I am your wife, at last; your one, true, lawful wife, except in Illinois. And for two years I have not had the loving of a wife—only of a leman. It has been my own fault, of course, for I have been your wife; but I did not know it—nor did you, Billy."

Never more need she be stayed with flagons nor comforted with apples.

"What did you mean by not being my wife in Illinois?" he asks, presently.

She reaches to the table and hands him a folded paper.

"This is something I thought best not to mention to Mr. Stryker."

He opens the paper, glances over it, and smiles.

"For the sake of your reputation as a lawyer, I am glad you did not," he remarks. "This is something which you could not make valid, little one, if you had the wealth of the Indies. I acknowledge that you are the better lawyer on divorce, but here you have me on my pet study of jurisdiction. Did you expect to humbug me with it?"

"And is it not valid—in Illinois?"

He laughs softly. "You haven't read it, Mabelle. It is granted by a justice's court. The form is all right, the seals are here, and the signatures may be genuine. But you know that such a court has no jurisdiction in divorce suits. Jurisdiction over the person may be waived. But jurisdiction over the subject-matter can-

not be waived. No agreement that may be made by the parties to a suit will give a court power to decide a case which the law does not give it jurisdiction over. This is one of those 'bogus' divorces that lawyers who advertise get for their clients. They are all frauds, without an exception. Usually the decrees are forgeries, made in their offices. Sometimes one of these swindlers will make an arrangement with some western justice, who has no right to grant divorces, to sign his name and attach his court seal. They usually charge from \$30 to \$100 for this worthless bit of paper. What did you pay?"

"Nothing. Mark Mann sent it to me. Just before we left Chicago he and I were talking about the way they were granted in Illinois. He said he could get one in ten days for anybody. As you had one I thought I might as well have one—it might come in handy some time. So I said I would like to have the proof, to show my friends. We left the next day for New York, but it came by mail within the ten days. It appears regular."

"Yes. The only thing lacking is the jurisdiction of the court. Incalculable misery is caused by the sharks who furnish the unsuspecting applicant with these divorces. They have no validity whatever. People who marry again on the strength of them, usually find themselves in Sing Sing for a term of years as the result. Mann ought not to have smirched himself by even a speaking acquaintance with one of these wretches. Suppose you had never learned anything about the law, and had desired to take advantage of the divorce, it might have ruined your life."

She does not tell him of her temptation, either now or at any future time. The dead past buries its dead.

But a shiver runs through her at the thought of what she has escaped by the skin of her teeth.

"I have some news for you," she says, "now that I am sure it will not distress you. Nellie and Dick were married at Garrison's the day before yesterday, and have gone to Washington to spend their honeymoon. Aren't you sorry?" Her gayety is tempered still by the thought of what might have happened.

"For Dick?" he asks, with such a world of meaning that she colors a little. "Where shall we spend ours?" he whispers.

The color deepens on her face, but she puts both arms around his neck and whispers bravely: "Here, Billy, where Love has come to us. Let us hope it shall last our life."

She takes the Chicago decree from the table and stoops down to the grate, searching for a small coal. When it is found and broken open she places the paper on the flame that dances up, and she waits until nothing remains but a black cinder.

Her husband stands watching her. He understands, perhaps, more fully than she dreams of, what that act means. When she rises, he opens his arms and she glides within them.

A few weeks later the following appeared in *The World*, under its ridiculously and inaccurately worded marriage notices:

STRYKER-GREENE.—On Thursday, Nov. 18, by the
Rev. Dr. Snooks, of St. Timothy the Apostle,
CHARLES EDWARD STRYKER, of this city, to Mrs.
JANE GREENE (née WILLIAMS), of Tipton, N. Y.,
at the residence of Mrs. Peter Stryker, 4004 West
49th st.

The early delivery brings Smith this letter from Jane's third husband:

MY DEAR SMITH :

What you have done to secure my nomination and election should be repaid in something better than words. I have married Jane, and she will trouble you no more. Are we quits ?

Yours sincerely,

C. E. STRYKER.

At the breakfast-table Smith hands both the paper and the letter to Mabelle, without a word. She looks at him a little curiously, but with no shadow of doubt.

He laughs. "You are thinking of what I said of Greene—'the fly in the ointment'—are you not? I will say of Stryker, 'His lips are as lilies, dropping liquid myrrh.'"

"Since when have you been reading the wisdom of the son of Bathsheba?" Mabelle asks, with a smile.

"Since the vine hath budded, and its blossoms have opened; since the pomègranate hath flowered, and thou hast given me thy love, my beloved," he replies.

Here let us leave them, while in the web of life they hold the thread that makes for righteousness, and, under subjection to the law of their minds, they choose good and not evil, not because of any preference for one over the other, but because *it is the law*.

THE END.





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